



REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, November 8, 2011, 6:00 p.m.
City Council Chambers
630 E. Hopkins Street

Bill Taylor, Chair
Bucky Couch, Vice-Chair
Sherwood Bishop, Commissioner
Randy Bryan, Commissioner
Curtis O. Seebeck, Commissioner
Chris Wood, Commissioner
Travis Kelsey, Commissioner
Kenneth Ehlers, Commissioner
Carter Morris, Commissioner
Brooks Andrews, Texas State University Student Liaison

AGENDA

1. Call to Order.
2. Roll Call.
3. Chairperson's Opening Remarks.
4. ***NOTE:*** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*
5. Citizen Comment Period.

Consent Agenda

6. **LUA-11-20 (1620 Old Ranch Road 12).** Consider postponement until November 22, 2011 of a request by ETR Development Consulting, LLC., on behalf of RF Sowell Jr., for a land use map amendment from Low Density Residential (LDR) to Commercial (C) for approximately 2.119 acres located at 1620 Ranch Road 12.
7. **ZC-11-31 (1620 Old Ranch Road 12).** Consider postponement until November 22, 2011 of a request by ETR Development Consulting, LLC., on behalf of RF Sowell Jr., for a zoning change from Single Family Residential-6 (SF-6) to Community Commercial (CC) for approximately 2.119 acres located at 1620 Ranch Road 12.
8. **PVC-11-05 (830 MLK Drive- lot depth to width plat variance).** Consider a request for postponement by Carlos Hernandez, on behalf of Virgilio Altamirano, for a subdivision plat variance to section 6.7.2.1(j) of the Land Development Code which requires that lot depth shall not exceed three times the lot width for lots platted after March 10, 1975 for a property located at 830 Martin Luther King Drive.

Consideration

9. **LUA-11-19 (1311 N. IH-35 Luxury Apartments).** Hold a public hearing and consider a request by ETR Development Consulting, LLC., on behalf of Darren Casey Interests, Inc., for a land use map amendment from Commercial (C) to High Density Residential (HDR) for approximately 2.547 acres located at 1311 N. IH-35.
10. **ZC-11-30 (1311 N. IH-35 Luxury Apartment).** Hold a public hearing and consider a request by ETR Development Consulting, LLC., on behalf of Darren Casey Interests, Inc., for a zoning change from General Commercial (GC) to Multi-Family-24 (MF-24) for approximately 2.547 acres located at 1311 N. IH-35.
11. **PDD-11-09 (1311 N. IH-35 Luxury Apartment).** Hold a public hearing and consider a request by ETR Development Consulting, LLC., on behalf of Darren Casey Interests, Inc., for a Planned Development District (PDD) with a base zoning designation of MF-24 for approximately 10.735 acres located at 1311 N. IH-35.
12. **PDD-11-10 (Lime Kiln Rd- The Preserve at Windemere).** Hold a public hearing and consider a request by Vigil and Associates, on behalf of Robert L. Haug and Vinson J. Wood, for a Planned Development District (PDD) with a base zoning district of Single Family Rural Residential (SF-R) for approximately 149.14 acres located off of Lime Kiln Road.

Public Hearing

13. **CUP-11-17 (Garcia's- Dutton).** Hold a public hearing and consider a request by Juan Ybarra, on behalf of Garcia's Mexican Restaurant, for a Conditional Use Permit to allow the sale and consumption of Beer and Wine at 1917 Dutton Drive Suite 200.
14. **LUA-11-22 (2002 Pecan Street).** Hold a public hearing and consider a request by Russell Grifo for a land use map amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for approximately 3.5 acres at 2002 Pecan Street.
15. **ZC-11-36 (2002 Pecan Street).** Hold a public consider a request by Russell Grifo for a zoning change from Single Family Residential-6 (SF-6) to Duplex Restricted (DR) for approximately 3.5 acres at 2002 Pecan Street.
16. **LUA-11-23 (1410 N. LBJ – Hillside Ranch Phase 2).** Hold a public hearing and discuss a request by ETR Development Consulting, on behalf of Jared Shenk and Dan Anderson, for a land use map amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for 10.925 acres located 1410 N. LBJ Drive.
17. **ZC-11-37 (1410 N. LBJ- Hillside Ranch Phase 2).** Hold a public hearing and discuss a request by ETR Development Consulting, on behalf of Jared Shenk and Dan Anderson, for a zoning change from Single Family Residential (SF-6) to Multi-Family-12 (MF-12) for 10.925 acres located at 1410 N. LBJ Drive.
18. **PDD-11-11 (1410 N. LBJ- Hillside Ranch Phase 2).** Hold a public hearing and discuss a request by ETR Development Consulting, on behalf of Jared Shenk and Dan Anderson, for a Planned Development District Overlay (PDD), with a base zoning of MF-12 for 10.925 acres located at 1410 N. LBJ Drive.
19. **A-11-02 (Advance St).** Hold a public hearing and consider a request by Frances Minerva Moreno to abandon a 171.35 foot by 50 foot portion of Advance Street located adjacent to 804 and 800 Bishop Avenue.

20. Land Development Code (LDC Revisions). Discuss a revision to Section 7.4.2.3 of the Land Development Code- General Requirements for Sidewalks.

21. Discussion Items.

Commission members and staff may discuss and report on items related to the Commission's general duties and responsibilities. The Commission may not take any vote or other action on any item other than to obtain a consensus regarding items that will be placed on future agendas for formal action.

Development Services Report

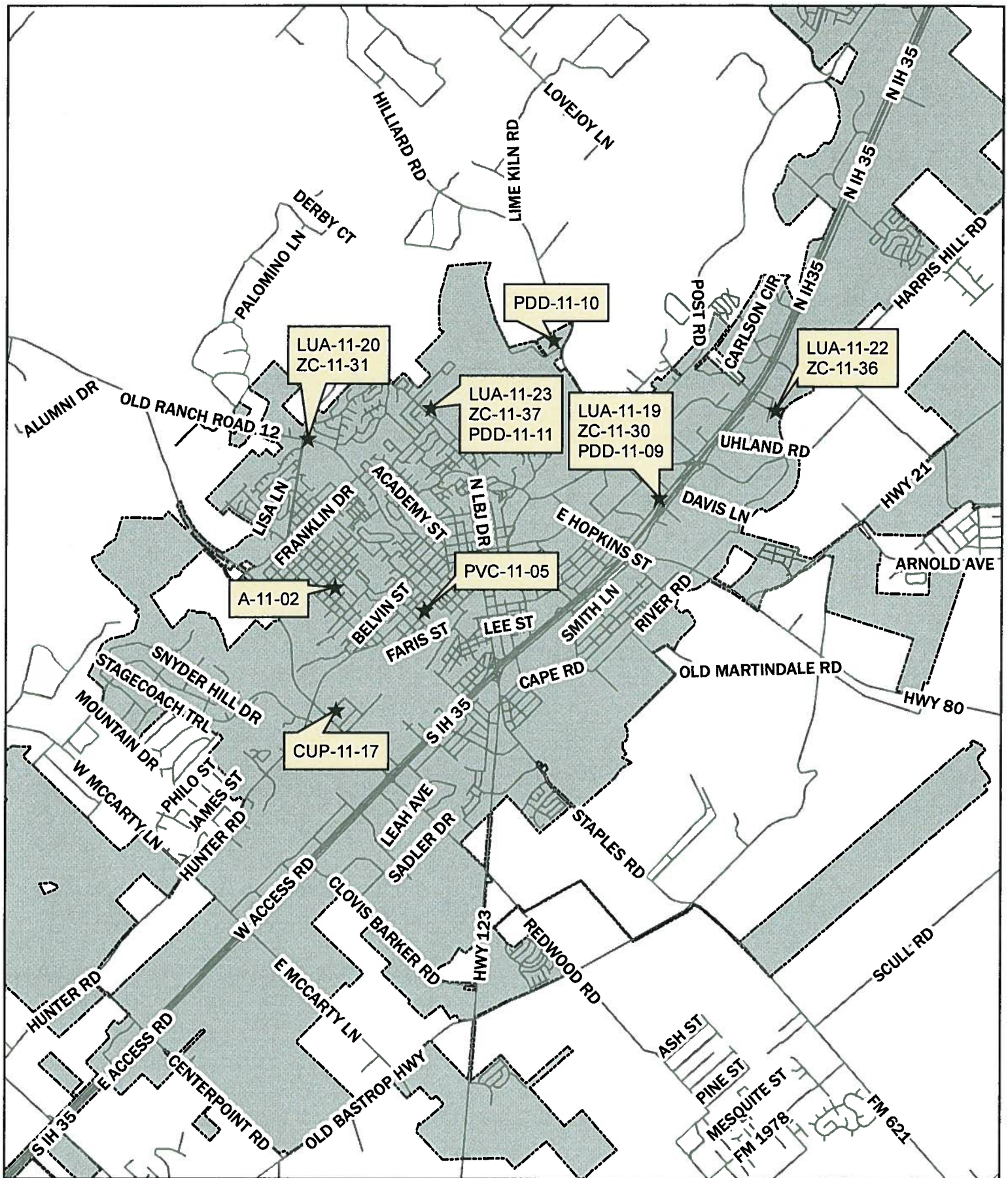
- Joint Planning and Zoning Commission and City Council Meeting- November 16th

Commissioners' Report.

22. Questions from the Press and Public.

23. Adjourn.

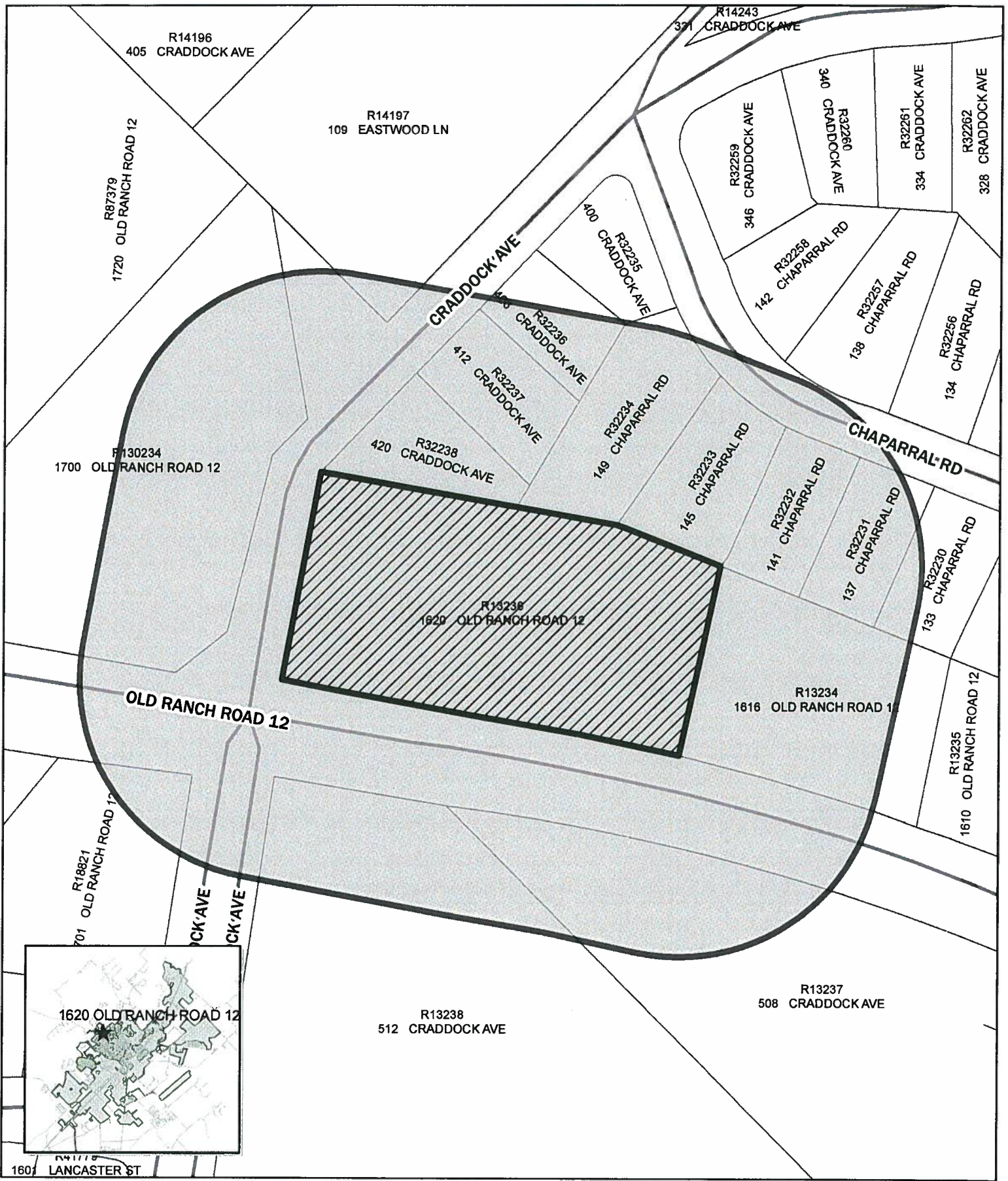
Notice of Assistance at the Public Meetings: The San Marcos City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in that area. Sign interpretative for meetings must be made 48 hours in advance of the meeting. Call the City Clerk's Office at 512-393-8090.



**Planning and Zoning
Commission Meeting
November 08, 2011
Location Map**

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.





ZC-11-31
LUA-11-20
1620 Old RR 12
Map Date: 9/12/11

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.

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Zoning Change and Land Use Map Amendment

ZC-11-31/ LUA-11-20

1620 Ranch Road 12

Administrative Summary:

Applicant: ETR Development Cons.

Property Owner: RF Sowell, Jr.
1679 Ana Lee
New Braunfels, Tx.



Property/Area Profile:

Legal Description: 2.119 +/- acres, ABS 83, TR 19-20 117-89 E. Clark Survey

Location: 1620 Ranch Road 12

Existing Use of Property: Single-family residence

Proposed Use of Property: No proposed development plans for the property.

Future Land Use Map: C – Commercial

Existing Zoning: SF-6 Single-Family Residential

Proposed Zoning: CC Community Commercial

Frontage On: Ranch Road 12 and Craddock Avenue

Utility Capacity: Adequate

Sector: Sector 3

Neighborhood: Hughson Heights Neighborhood

Area Zoning and Land Use Pattern:

Orientation	Zoning	Existing Land Use	Future Land Use
N of Property	D, SF-6	Duplexes and Single Family Homes	Low/Med Density Residential
S of Property	SF-6, GC	Single-Family Homes, Undev Convenience Store	Open Space & Commercial
E of Property	SF-6	Single-family Homes	Low-density Residential
W of Property	CC	Walgreens	Commercial

Planning Department Analysis:

The applicant has requested postponement of the request until November 22nd in order to allow for time to review the Neighborhood Commercial zoning designation and meet with the property owner.

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

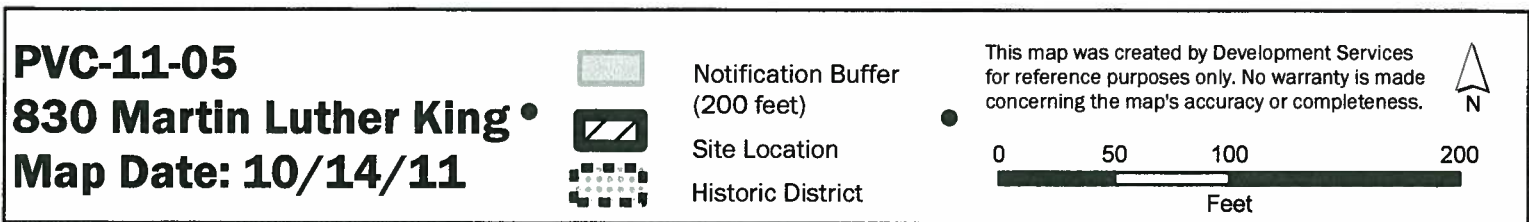
Prepared by:

Sofia Nelson

Chief Planner

November 4, 2011

Name**Title****Date**



PVC-11-05 Plat Variance 830 W. MLK Drive



Applicant Information:

Applicant: Carlos A. Hernandez
907 Field St.
San Marcos TX 78666

Property Owner: Virgilio Altamirano
PO Box 160788
Austin TX 78716

Applicant's Request: A variance from Section 6.7.2.1 (J) of the Land Development Code, which requires that lot depth shall not exceed the three times the lot width for lots platted after March 10, 1975.

Notification: Personal notification letter mailed to all property owners within 200' on October 14, 2011

Response: Two phone calls requesting information as of October 19th. Concern was raised over a drainage ditch that runs through the property.

Subject Property:

Location: 830 W. MLK

Legal Description: Farm Lot Part of Block 11, Original Town of San Marcos

Existing Zoning: SF-6

Land Use Map: Low Density Residential

Utilities: Property is serviced by City of San Marcos for Electric, Water, and Wastewater

Existing Use of Property: Vacant

Proposed Use of Property: Residential

Since the previous meeting, staff and the applicant have conducted a site visit and met with city Engineering staff. Drainage issues are unresolved, so staff and the applicant recommend that this case be postponed to allow the applicant to have preliminary engineering to show that drainage issues on site can be resolved.

Land Use Map Amendment

LUA-11-19

1311 North IH-35



Administrative Summary:

Applicant: ETR Development Consulting
401 Dryden Lane
Buda TX 78610

Property Owner: Darren Casey Interest, Inc
814 Arion Parkway, Ste. 200
San Antonio, Texas 78216

Notification: Public hearing notification mailed on October 14th and signs posted on October 15th.

Response: None to date

Property/Area Profile:

Legal Description: 2.547 acres out of the JM Verimendi League No. 2

Location: 1311 N. IH-35

Existing Use of Property: Vacant

Proposed Use of Property: Multi-family residential

Future Land Use Map: Commercial (C)

Existing Zoning: General Commercial (GC)

Proposed Zoning: MF-24 Multi-Family Residential

Utility Capacity: Adequate

Sector: Seven

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
N of Property	MF-18, GC	Nursing home	Commercial
S of Property	MF-24, GC	Educational facility	Public/Institutional
E of Property	GC	IH 35	Interstate
W of Property	MU	Multifamily residential	Mixed Use

Planning Department Analysis

The applicant is requesting a Land Use Map Amendment change for 2.547 acres, more or less, from Commercial (C) to High Density Residential (HDR).

The subject property is 2.547 acres out of a 10.55-acre parcel with frontage on both IH 35 and Thorpe Lane. The subject property fronts on IH 35. The other 8.188 acres were rezoned to the MF-24 designation, with a concurrent Land Use Amendment to HDR, under ZC-09-22/LUA-09-18. This current request is being processed together with a Zoning Change request, to change the zoning designation from General Commercial (GC) to Multi-Family Residential (MF-24) and a Planned Development District (PDD) overlay for the entire 10.55 acres.

Adjacent uses include educational offices to the south and a nursing home to the north. Uses to the west are primarily multifamily residential. There are also numerous hotels and retail businesses in the area, and a couple of older multifamily developments to the north and to the south. Uses along IH 35 are primarily interstate-oriented businesses.

Staff has evaluated the request for consistency with the Horizons Master Plan:

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			<p>Policy LU-1.21: The City shall encourage new development to locate in areas already served by utilities and other community facilities.</p> <p><i>Comments: Existing city utilities are in place to serve this property.</i></p>
X			<p>Policy LU-3.1: The City shall develop the residential areas of San Marcos according to the Future Land Use Plan so that future growth can be accommodated, a mixture of housing types and densities can be provided, and adverse impacts from traffic, environmental hazards and incompatible land uses can be avoided.</p> <p><i>Comment: Adverse impacts from the heavy traffic of IH-35 and the associated access road are a concern at this location. However, together with the remainder of the tract that is currently designated High Density Residential, the site is large enough to enable the buildings to be set back from IH 35 and screened.</i></p>
X			<p>Policy LU-3.2: The City shall provide safe and adequate housing opportunities to meet the different housing needs of all income groups of the City's present and future populations.</p> <p><i>Comment: The proposed change will provide the opportunity for additional housing opportunities.</i></p>
X			<p>Policy LU-3.14: The City shall discourage any type of multifamily or single family residential development in such concentrations and expanses that, by accepted planning standards, there are not sufficient amenities to support such development and the quality of life in the area would be diminished.</p> <p><i>Comment: The location is less than a mile from city parks and facilities.</i></p>
X			<p>Policy LU-3.16: The City shall discourage residential uses without adequate buffering.</p> <p><i>Comment: The lot is large enough to provide buffering as required in the Land Development Code, which the Concept Plan in the PDD illustrates.</i></p>

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			<p>Policy LU-3.18: The City shall prohibit residential developments that, because of design or location, will expose the potential residents to through traffic or heavy traffic from other types of land uses.</p> <p><i>Comment: There is no through street from IH 35 to Thorpe adjacent to this tract, and the proposed site design will discourage cut-through traffic.</i></p>
X			<p>Policy LU-4.1: The City shall determine the need for multi-family dwelling units and shall ensure that the location of these units is compatible with adjacent land uses and is properly buffered and adequately served by roads and public utilities.</p> <p><i>Comment: All adjacent uses are compatible with multi-family.</i></p>
X			<p>Policy LU-4.2: The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.</p> <p><i>Comment: Numerous commercial uses are within walking distance of the site.</i></p>
X			<p>Policy LU-4.3: The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas.</p>
X			<p>Policy LU-4.4: The City shall require medium and high density residential developments to be located on larger sites to allow the property buffering, adequate parking and landscaping, and enough flexibility in design and layout to insure adequate development.</p>
		X	<p>Policy LU-6.3: The City shall promote commercial development in designated corridors and at intersections as the most desirable locations, and to influence the direction of development as part of the Future Land Use Plan.</p> <p><i>Comment: See discussion below.</i></p>
X			<p>Policy LU-6.5: The City shall designate enough commercially zoned land to meet the existing and future shopping and employment needs of the citizens and should direct the location of commercial development so that all land uses, whether mixed or segregated, are compatible with each other.</p>
X			<p>Policy LU-6.11: The City shall discourage the zoning or commercial usage of land that has the potential of becoming undesirable strip commercial development, which is characterized by one or more of the following problems:</p> <ul style="list-style-type: none"> a. shallow lots, usually less than two hundred feet deep; b. numerous small ownerships; c. numerous curb cuts for entrances; d. numerous small buildings with no architectural unity; e. little or no landscaping in and around the parking lots; f. limited parking usually restricted to the front setback area or along the street; and/or g. the lack of landscape or other buffers, especially in the rear, with the adjacent residential areas exposed to blighting influences.

This request is generally consistent with policies related to High Density Residential, but the *Horizons* plan designates the entire IH 35 corridor for Commercial. Any change away from commercial in this corridor should be carefully considered. Staff makes the following observations:

- This location is mid-block, and the corners of the block at Jackson Lane and Springtown Way are designated for commercial.
- Policy 6.11 recommends that lots be greater than 200 feet deep to discourage undesirable commercial strip development. Although this tract is approximately 250 feet deep, it is over 400 feet wide, making it likely that any commercial development would be the strip style that the *Horizons* plan discourages.
- There are adequate existing commercial uses in the area, and the proximity to Springtown allows for many more.

Because of these factors, staff finds that the request is generally consistent with the *Horizons Master Plan*.

Sector 7, which is approximately 9.6% of the city limits by area, consists of 7.1% High or Medium Density Residential. This is less than the city-wide average of 10%. The Sector 7 Plan identifies this general area as appropriate for higher-density residential.

	Percent of City Limits
Sector 7	9.6%
MDR and HDR City-wide	10.0%

Percent of Sector 7 that is HDR or MDR currently	7.1%
Percent of Sector 7 that is HDR or MDR after this request	7.2%

The Sector 7 Plan contains goals such as walkable neighborhoods, high-quality attractive development along IH 35, interconnected streets, and enhanced visual character. From a land-use perspective, High Density Residential is consistent with these goals with the development standards outlined in the PDD.

Staff finds that the request is generally supportive of the *Horizons Master Plan* and the *Sector 7 Plan* and recommends approval.

Planning Department Recommendation:

<input checked="" type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with revisions as noted
<input type="checkbox"/>	Alternative-Postpone
<input type="checkbox"/>	Denial

The Commission's Responsibility:

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

Prepared by:

John Foreman	Planner	October 17, 2011
Name	Title	Date

PDD-11-09/ ZC11-30

Planned Development District

Luxury Apartment Community

at Thorpe



Summary:

Applicant/ Property Owner: Darren Casey Interests, Inc.
814 Arion Pkwy. Suite 200
San Antonio, Texas 78216

Consultant: ETR Development
401 Dryden Lane
Buda, Texas 78610

Subject Property:

Legal Description: 10.735 acre tract situated in the JM Veramendi League Number 2 Survey.

Location: 1311 N. IH-35

Existing Use of Property: Undeveloped- The former location of the Hays County Hospital

Existing Zoning: Approximately 8 acres is zoned MF-24 with the remaining 2.547 zoned General Commercial

Proposed Use of Property: Multi-family

Proposed Zoning: PDD overlay with a MF-24 base zoning

Sector: 7

Frontage On: Thorpe Lane and IH-35 frontage road

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	MF-18, Office Professional, Community Commercial	A variety of uses including professional offices, multi-family development and single-family homes
S of Property	Office Professional, MF-24	Medical Offices and Multi-family
E of Property	IH-35 Frontage	
W of Property	Thorpe Lane	

Project Overview

The proposed development consists of 316 (one and two bedroom) multi-family units. The subject property fronts on both Thorpe Lane and the IH 35 frontage road. The subject property is located along minor arterial roadway that services a variety of uses including multi-family, a grocery store, several banks, retail and restaurants. Due to the proximity of campus and services, in addition to frontage to I-35 the Thorpe Lane corridor has seen a lot of interest for new development and redevelopment of already developed property.

Site Development

- 10.73 acre site
- The project features 3 and 4 story structures with a clubhouse, pool, fitness center and landscaped courtyards.
- 316 units (1 and 2 bedroom units)

- Installation of a rain water collection system shall be installed on the clubhouse
- 2 electric vehicle charging stations will be provided on the site and be available to the general public.
- The developer has committed to the construction of a solar power bus stop along Thorpe Lane and the installation of solar panels on a minimum of 10% of carports on the site to offset the power demand of the project.
- The project commits to a water quality performance rate of 85% removal of all Total Suspended Solids.

Parkland Dedication

The applicant has requested to pay a fee-in-lieu of land dedication. Based on the proposed number of units the fee-in-lieu of dedication is approximately \$82,500.00

Streetscape

The PDD identifies a minimum of a 10' wide sidewalk along with street trees, outdoor benches and seating area to be among some of the streetscape improvements that will be made to the site.

Planning Department Analysis- UPDATE

The subject property is located within Sector 7. The Sector Goals include creating a pedestrian-friendly, multimodal community; preserving and enhancing visual character; and improving open space and recreational opportunities. The area contained within Sector 7 typically is heavily auto-dependent, and one of the primary goals is to reduce the need to drive, both within the Sector and the whole city. The proposed development creates a multi-family development that supports a variety of sustainable building elements, within close proximity to campus facilities, services, and public transportation.

Section 4.2.6.11 of the Land Development Code identifies the purpose of an overlay planned development zoning district ("PD District") is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Concept Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD districts are intended to implement generally the goals and objectives of the City's Master Plan. PD districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts

As is evident through on the ground construction and rezoning applications the Thorpe Lane corridor is redeveloping into a mixed use corridor where commercial, multi-family and office uses are within close proximity of each other. As a result the intent of this PDD was not only to insure a high-quality product but also a development that provides for a compatible streetscape with both the Thorpe Lane and IH-35 frontages.

Staff has reviewed the request against the PDD Criteria for Approval identified in Section 1.5.3.5 of the Land Development Code and has made the following findings:

- The property is located along both the IH-35 corridor and the Thorpe Lane Corridor where it is within the community's best interest to encourage high-quality development through flexible development standards to further the goals and objects of the City's Master Plan and Sector Goals.
- The proposed development standards of four-sided design, attention to the streetscape with larger sidewalks and creating high-quality development along I-35 as well as Thorpe Lane helps

to facilitate the goals of the Sector Plans and Master Plan and achieve a superior development that would normally be achieved through conventional development.

Staff is recommending APPROVAL of the request with the following condition:

- In order to help facilitate the improved streetscape the two storm water detention facilities shall be natural in shape and be designed as bioretention facilities per the City of Austin design criteria.
- Both street tree wells and parking lot tree wells shall be designed for collection of stormwater.

Planning Department Recommendation	
<input type="checkbox"/>	Approve as submitted
<input checked="" type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Public Hearing only
<input type="checkbox"/>	Denial

Prepared by:

Sofia Nelson

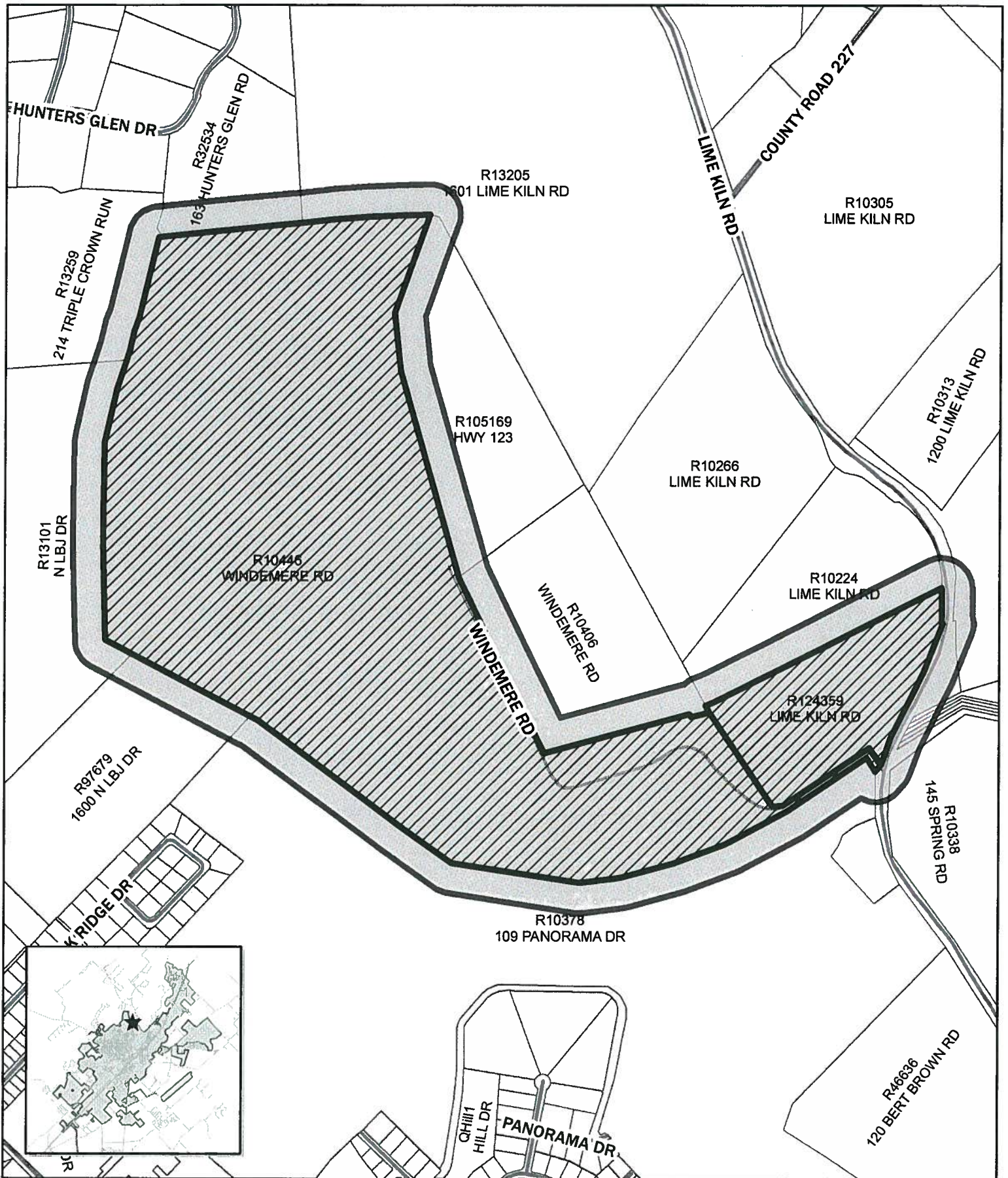
Chief Planner

November 2, 2011

Name

Title

Date



PDD-11-10
The Preserve at Windemere
Map Date 10/13/11



Notification Buffer
(200 feet)

Site Location
Historic District

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PDD-11-10

Preserve at Windemere



Administrative Summary:

Applicant: Joel Richardson, PE on behalf of
Rob Haug & Vince Wood
4303 Russell Drive
Austin, Texas 78704

Property Owner: Rob Haug & Vince Wood
2009 RR 620 North, Suite 130
Austin, Texas 78734

Property/Area Profile:

Legal Description: 149.14 acres in the TJ Chambers, Edward Burleson, R Clever & E Clark Surveys

Location: Lime Kiln Road approximately one mile northwest of Post Road

Existing Use of Property: Undeveloped

Proposed Use of Property: Single-family residential

Future Land Use Map: Very Low Density Residential

Existing Zoning: SF-R/Single-Family Rural Residential

Proposed Zoning: PDD overlay with a base zoning designation of SF-R

Utility Capacity: Adequate

Sector: NA, adjacent to Sector 3

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
N of Property	Unzoned	Agricultural/residential	Very Low Density
S of Property	AR/SF-6	Agricultural/residential	Low Density
E of Property	SF-6/P	Agricultural/residential	Low Density
W of Property	AR	Agricultural/residential	Very Low Density

Planning Department Analysis

Project Overview

The subject property is located on the west side of Lime Kiln Road, which would provide the only access to the site unless and until Craddock Road is built. The surrounding uses are predominantly residential and agricultural. The site is also located adjacent to the Sink Creek Water Quality Protection Zone and within the Edwards Aquifer Recharge Zone.

The proposed development is part of a 235 acre property that is proposed to be developed in three phases. For zoning purposes the only portion of the property seeking a PDD overlay is Phase 1. Phase 1 of the development consists of approximately 104 acres and is proposed to be developed into 74 single family residential lots to be developed following the existing zoning designation of SF-R (Single Family Rural Residential). One of the foremost reasons the property owners are seeking a Planned Development District overlay is to allow for the development of Phase 1 in a manner that would result in less overall impervious cover than would otherwise result from conventional zoning standards. Modifications to the Land Development Code include reduction of the required lot width, street design, and the commitment to Low-Impact Development Practices on every lot, in the design of drainage facilities associated with the roadway, trails, and where feasible in other stormwater management facilities.

Site Development

- 104 acre site
- The existing zoning on the site is SF-R (Single Family Rural Residential). The applicant is seeking to reduce the required lot width from 150' to 125'.
- 74 residential lots are proposed for Phase 1
- The project commits to a water quality performance rate of 85% removal of all Total Suspended Solids. Additionally, the property owner has committed to including a rain garden on each lot (to be constructed when each home is built) in order to minimize storm water impacts.

Parkland Dedication

The applicant has requested to dedicate approximately 3.90 acres to be utilized as open space rather than developed parkland. Additionally the applicant is proposing to dedicate and construct a hike and bike trail that would connect the proposed open space with the Spring Lake Preserve.

Streetscape

While sidewalks are not required for single family lots larger than one acre in size the property owner is proposing the dedication of a 15' wide pedestrian easement throughout the subdivision to allow for the construction of a 6 to 8 foot wide hike and bike trail. The construction of the trail would be the responsibility of the developer and maintenance of the trail would be the responsibility of the Home Owners Association.

Planning Department Analysis-UPDATE:

As indicated above, one of foremost reasons the applicant is seeking a PDD overlay district is reduce the total amount of impervious cover on the site. While the site can be developed with 74 lots under the current zoning designation of Single Family Rural Residential (SF-R) it would require that the lot width of each of the platted lots be a minimum of 150 feet, rather than the 125 foot lot width requested per the PDD. While the reduction in lot width would not increase the number of lots, due to the one point of access to the property the subdivision is limited to 74 residential lots until another point of ingress/egress is established, it would reduce the total impervious cover for the subdivision.

While the development of this property will continue to have opposition, given its location over the Edwards Aquifer Recharge Zone and the environmental sensitivity of the property, staff has worked with the applicant to establish development standards that adhere to the intent of the existing zoning designation and to the community's goals for development outlined in the Horizon's Master Plan. The reduction in impervious cover, in addition to the utilization of Low Impact Development Practices throughout the site, the commitment to removal of 85% Total Suspended Solids (TSS), and additional open space dedication help to enhance the subdivision and reinforce the goals of Horizon's Master Plan. Staff has reviewed the request against the criteria for approval in Section 1.5.3.5 of the Land Development and has made the following findings:

- The subject property and adjacent property are located in an environmentally sensitive location which requires more flexible approach to zoning and development standard in order to assure the best possible protection for the property and adjacent properties.
- The PDD furthers the policies of the Master Plan for very low density residential.
- The proposed open space and trail linkages to the Spring Lake preserve provide a superior living environment and enhanced recreational opportunities for the residents of the subdivision and the residents of San Marcos.

Staff recommends approval of the PDD with the following condition:

- A 25' wastewater easement along the northern boundary of the Residential Collector as shown on the attached concept plan.

Planning Department Recommendation:		
<input type="checkbox"/>	<input type="checkbox"/>	Approve as submitted
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	<input type="checkbox"/>	Public Hearing Only
<input type="checkbox"/>	<input type="checkbox"/>	Denial

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

The Commission's advisory recommendation to the Council is a discretionary decision. Section 1.5.1.5 charges the Commission and the Council to consider:

- (1) Whether the proposed zoning amendment implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps;
- (2) Whether there is a development agreement in effect;
- (3) Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
- (4) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area; and
- (5) Other factors which substantially affect the public health, safety, morals, or general welfare.

Prepared by

Sofia Nelson

Chief Planner

October 21, 2011

Name

Title

Date

The Preserve at Windemere Phase 1

Planned Development District Development Standards

**Approved under City of San Marcos
Land Development Code Chapter 4, Article 2, Division 6**

**Prepared:
September 2, 2011**

**Revised:
October 6, 2011**

2011 OCT 20 PM 11 43

1.0 Project Description

The Preserve at Windemere is a planned development on approximately 235 acres of land in San Marcos Texas, proposed in three phases.

Phase 1 of the Preserve at Windemere comprises approximately 149 acres of the total project area. Proposed development includes 74 single-family (SF) residential lots. The SF lots shall conform to the Rural Residential development standards prescribed in the Land Development Code (LDC) of the City of San Marcos, except as described in these Planned Development District (PDD) Development Standards.

Phase 1 also includes roughly 10 acres of Right-of-Way (ROW) dedication for a collector roadway indicated on the City of San Marcos Thoroughfare Plan, 4 acres of ROW dedication for other residential streets, 42 acres of land containing a SCS flood control dam to be preserved as open space, 4 acres of parkland/open space to be dedicated to the City of San Marcos and 4 acres of land dedicated for drainage improvements (water quality/detention ponds).

Phases 2 and 3 are reserved for future development. No variations from development standards prescribed in the LDC of the City are proposed at this time. This PDD applies to Phase 1 of the Preserve at Windemere only.

1.1 Property Description:

The project site is composed of two tracts totaling approximately 235 acres in area.

Tract One being that 212.556 acre tract of land in the T.J. Chambers, Edward Burleson, R. Clever and E. Clark Surveys in Hays County, Texas, as described in deed recorded in Volume 3002, Page 23, Hays County Deed Records.

Tract Two being that 22.500 acre tract of land in the T.J. Chambers, A-2, Survey in Hays County, Texas, as described in deed recorded in Volume 3305, Page 64, Hays County Deed Records.

The site is located along Lime Kiln Road, approximately one mile northwest of the intersection with Post Road. A map indicating the location of the site is provided in the figure below.

This PDD applies only to 149 acres of the property identified as phase 1 of the Preserve at Windemere.

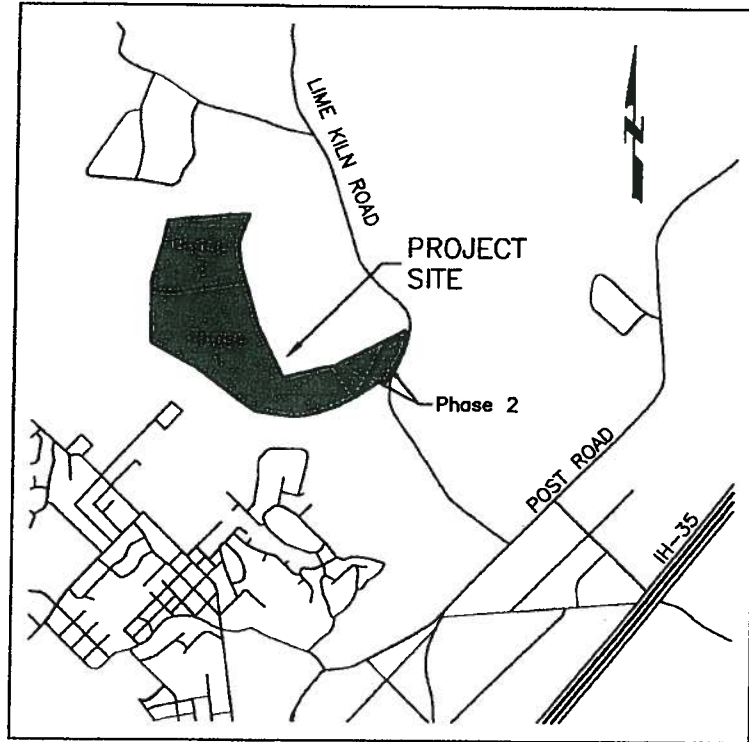


Figure 1: Location Map

1.2 Purpose and Intent of PDD:

The purpose of a PDD zoning overlay is to provide flexible and creative planning, ensure compatibility of land uses and allow for adjustments designed to result in a higher quality development for the community than would otherwise result from the use of conventional zoning.

This PDD is intended to allow for development of Phase 1 of the project in a manner that would result in less overall impervious cover and related environmental impact than would otherwise result from conventional zoning standards.

Modifications to the standards of the LDC include reduction of the required SF lot width, street and sidewalk construction requirements and establishment of Low Impact Development (LID) design practices for the proposed development.

LID design practices extend to minimizing site disturbance, not clear cutting trees on the land, but instead siting the development within much of the natural terrain for minimal land disturbance and to protect and preserve native trees and plants. This requires working with land planners, design engineers, landscape architects, contractors and builders, among others, to reduce the impact of the development on the project site. LID practices also

include the use of erosion/sedimentation control measures and best management practices during construction that keep heavy equipment away from areas not intended for construction and clearly establishing limits of construction.

2.0 Development Standards

All zoning standards not expressly set forth for the PDD in this document shall be as provided in the base zoning district. Any standard in Chapters 5, 6 and 7 of the LDC that has not been expressly varied in this document shall be applicable to subsequent development permits for land within the PDD.

2.1 Land Use and Zoning:

The current Future Land Use Map designation for the entire 235 acre project site is Very Low Density Residential which allows for a maximum residential density of three (3) dwelling units per acre.

The base zoning district for Phase 1 of the Preserve at Windemere shall be Single Family Rural Residential District (SF-R). Phase 1 of the Preserve at Windemere encompasses 149 acres of the site and proposes 74 SFR units for a density of 0.50 units per acre. This area and zoning designation are presented in the Concept Plan incorporated by exhibit into this PDD.

The current zoning designation for the remaining Phases 2 and 3 is Future Development District. No development is planned for these phases of the project site at this time, and therefore it is not the intent of this PDD to modify the standards of the LDC for these phases of the development.

2.2 Permitted Uses:

The permitted, conditional and accessory uses authorized in the PDD shall be as set forth for the base zoning district in the LDC of the City of San Marcos.

The intent of the project is to provide 74 single-family residential lots within Phase 1 of the development as depicted on the accompanying Concept Plan. As proposed, using the gross site area of 149 acres, the residential density shall be 0.50 dwelling unit per acre for Phase 1 of the development.

2.3 Lot Width:

LDC Section 4.1.6.1 and the associated Dimensional and Developmental Standards Table require a minimum width of 150 feet for lots within the SF-R Residential Zoning District. In order to reduce the Impervious Cover (and associated environmental impact) of the roadways required to provide frontage to the 74 proposed single family residential lots of the Preserve at

Windemere, Phase 1, this PDD modifies the Code requirement to a minimum lot width of 125 feet. Were the same 74 proposed SF-R lots covering the same Phase 1 area to be developed under conventional code requirements for lot width, approximately 45,200 s.f. of additional impervious cover would be required in the form of roadway area square footage. The development of the Project Site shall conform to the dimensional and developmental standards of the Land Development Code with the following exception.

Current Land Development Code Requirement	PDD Code Modification
Table 4.1.6.1: Minimum Lot Width for SF-R Residential Districts: 150 Feet	Table 4.1.6.1: Minimum Lot Width for SF-R Residential Districts: 125 Feet

2.4 Low-Impact Development:

Low-Impact Development (LID) is an approach to land development utilizing various design techniques and practices to minimize stormwater impacts and preserve water quality. These goals are achieved through use of various stormwater runoff storage measures dispersed uniformly throughout a development and designed to mimic the predevelopment hydrology of the site. LID integrated management practices (IMPs) for the Preserve at Windemere, Phase 1 shall achieve 85% reduction in TSS for the developed condition.

LID IMP's (exceeding code requirements) to be used include:

- maximizing and increasing dis-connectivity of impervious areas;
- open vegetated drainage swales as an alternative to conventional curb/gutter and drainage pipe systems;
- increasing channel widths, reducing channel slopes;
- preserving of natural vegetation;
- bio-retention, in the form of rain gardens, to be constructed on each individual residential lot for retention/treatment of impervious areas associated with that individual residential lot. Individual lot rain gardens are to be designed by landscape professionals in accordance with City of San Marcos LID guidelines. Site specific information for the rain gardens shall be provided to city staff as part of the typical permitting process for individual residential lot development to preclude prohibitive design, review and processing costs. Rain Gardens shall be constructed when each individual home is built and shall be maintained by each homeowner;
- rain garden/bio-retention facilities within cul-de-sac bulbs, or alternative narrower one-way "u" shaped street sections with bio-retention areas between drive lanes;
- dispersed retention and detention storage in swales, channels, bio-

- retention areas, etc.;
- the use of rainwater collection will be allowed, promoted and encouraged.;
- roof runoff will be separated from the subdivision's drainage system (i.e. roof runoff will be directed towards lawns or landscaping);
- HOA will implement restrictions against the use of St. Augustine lawns in addition to restrictions against the use of pesticides and fertilizers
- impervious cover well under the 20% maximum (Sec. 5.2.3.1);
- check dams will be incorporated into the design of grass swales in areas of steep slopes, specifically along streets and drainage ways, but may also be incorporated where water may concentrate and otherwise result in erosive velocities. Check dams may be used to decrease velocities, allow for short term ponding of stormwater and settlement of suspended solids to be captured within vegetation. Check dams used sequentially in the channel design would capture and retain stormwater during more typical frequent storm events; and
- enhanced protection of the sensitive environmental features through establishing an "Open Space" lot for the protection of known caves.

The Preserve at Windemere shall be designed utilizing the practices and principles of LID. This shall include the use of swales on the side of the roads in lieu of curb and gutter and the use of unpaved trails. The HOA will be responsible for the maintenance of the LID improvements.

2.5 Transportation and Street Design:

The San Marcos Thoroughfare Plan indicates two future streets within the project site boundaries. These streets are the extension of Craddock Avenue and a connection of a collector between Craddock and Lime Kiln Road. In order to facilitate the implementation of the San Marcos Thoroughfare Plan and the development of this project in a practical and environmentally sensitive manner, this PDD will modify the R.O.W. dedication and street construction standards of the LDC as follows:

Current Land Development Code Requirement	PDD Code Modification
7.4.1.2(g): Street Construction. All streets and thoroughfares shall be constructed and paved to City standards and within rights-of-way as required by the Thoroughfare Plan and this article, and in accordance with the TCSS and other City standards as may be from time to time amended or adopted in the Technical Manual.	Street Construction. The residential collector, and residential streets shall be constructed by the developer as indicated on the Concept Plat and Street Cross Section incorporate by exhibit into this PDD.

2.6 Sidewalks:

Per City of San Marcos LDC sidewalks are not required for this subdivision. To create a higher quality development for the community, the the development includes the provision of a trail system. In order produce a higher quality development this PDD will modify the sidewalk R.O.W. standards of the LDC as follows:

Current Land Development Code Requirement	PDD Code Modification
7.8.1.1(a) <i>Required in Subdivisions.</i> Sidewalks are required in all subdivisions except in residential areas where all lots are equal to or exceed one acre.	As the proposed subdivision consists solely of residential lots equal to or exceeding one acre, per LDC Section 7.8.1.1(a) sidewalks are not required. The development shall include a pedestrian/bicycle trail system within a 15' wide pedestrian easement as indicated on the Concept Plat incorporated by exhibit into this PDD.
7.8.1.1(b) <i>Installation.</i> Sidewalks shall be installed as follows: (1) Sidewalks shall be located on the front of lots and along the street sides of corner lots. (2) Sidewalks shall be constructed in compliance with the width and location requirements indicated in the City of San Marcos Engineering Design Manual.	In lieu of standard sidewalks, a 6 to 8 foot wide pedestrian/bicycle trail system shall be installed as follows: Trails shall be located within a 15 foot wide pedestrian easement at the locations indicated on the Concept Plat and Street Cross Section incorporated by exhibit into this PDD. Trails shall be constructed of decomposed granite or other similar material with the width and location indicated on the Street Cross Section incorporated by exhibit into this PDD. The HOA will be responsible for the maintenance of the pedestrian easement and trails.

2.7 Parks and Open Space:

The Preserve at Windemere, Phase 1 will contain over 45 acres of dedicated open space, including Lot 76 (42.13 acres) consisting of preserved open space for the existing SCS flood control dam and Lot 75 (3.90 acres) dedicated as "Open Space/Park" for the enhanced protection of known sensitive environmental features, specifically caves. Additionally as described in the proceeding section of this PDD a pedestrian trail system (to be maintained by the HOA) shall be incorporated into the design of the subdivision.

Note that the sensitive features located on Lot 75 are also protected by established Sensitive Feature Protection Zones per City of San Marcos LDC

requirements.

All lots identified with Sensitive Feature Protection Zones shall be clearly noted on plat and deed documents and any construction related activities within these zones shall be prohibited in accordance with the City of San Marcos LDC. Any construction adjacent to sensitive features shall employ erosion and sedimentation control practices and construction fencing along the perimeter of the sensitive feature areas clearly indicating the area is off limits for all construction related activities.

Lot 75 ("Open Space/Park") will be dedicated to the City of San Marcos. Lot 76 ("Open Space") will be dedicated to the HOA. This PDD establishes the following in regard to the dedication and preservation of parkland and other open space on the site:

Current Land Development Code Requirement	PDD Code Modification
<p>7.6.1.2(b) <i>Criteria for land dedication.</i> All residential subdivisions, regardless of type, shall be required to dedicate suitable land for park or open space development in the amount of 5 acres per 1,000 ultimate residents of the subdivision. For purposes of calculating the ultimate number of residents of the subdivision, the following number of persons per unit shall be used: (1) 2.7 residents per single family dwelling;</p> <p>7.6.1.2(c) <i>Calculation.</i> Residential units shall be calculated based on the actual number of single-family, duplex and townhouse lots platted in the subdivision. ... The formula shall therefore be: 5 acres (multiplied by) #units (multiplied by) residents per unit (divided by) 1,000.</p> <p>Parkland dedication required for The Preserve at Windemer, Phase 1 is:</p> <p>0.999 acres</p>	<p>The project shall include the dedication of acreage meeting or exceeding the LDC requirements to include:</p> <p>42.13 acres of preserved open space for the SCS flood control dam;</p> <p>3.90 acres of "open space/park" for the protection of existing environmentally sensitive features; and</p> <p>a pedestrian/bicycle trail system (maintained by the HOA) to be coordinated and linked to the adjacent City of San Marcos Spring Lake trail system.</p>

2.8 Impervious Cover:

The gross site area of The Preserve of Windemere Ranch, Phase 1 is 149.14 acres. The City of San Marcos Thoroughfare Plan necessitates dedication of 9.60 acres of the project area for ROW. For the purposes of Impervious cover calculations the Thoroughfare Plan required ROW dedication is deducted from the projects gross site area resulting in a net site area of

139.55 acres for The Preserve at Windemere, Phase 1.

6,000 square feet (sf) of impervious cover is allocated for each SF residential lot. Therefore the 74 proposed residential lots will be allocated 444,000 sf (10.19 acres) of impervious cover.

All non-thoroughfare plan required streets account for an estimated 103,112 sf (2.37 acres) of impervious cover. Additionally the proposed trail system will account for an estimated 21,296 sf (0.49 acres) of impervious cover. (Decomposed granite counts as 25% impervious per City of San Marcos LDC)

Therefore a total of 13.05 acres of impervious cover shall be allocated for the Preserve at Windemere, Phase 1. This represents 9.35% of the net site area of this phase of the development, which is less than half of the allowable impervious cover for this site.

3.0 Miscellaneous

3.01 The Property Owner understands and acknowledges that the Project Site will be bound by the provisions of these development standards as though they were conditions, restrictions and limitations on the use of the Project Site under the City's LDC.

3.02 The Property Owner understands and acknowledges that any person, firm, corporation or other entity violating any provisions of these development standards shall be subject to all penalties that apply to violation of the zoning ordinances of the City of San Marcos, as amended. The Property Owner further understands and acknowledges that any person, firm, corporation or other entity violating any provisions of these development standards shall be subject to a suit by the City for an injunction to enjoin the violation of these development standards as though they were conditions, restrictions and limitations on use of the Project Site under the City's LDC.

3.03 All obligations of the Property Owner created under these development standards are performable in Hays County, Texas and venue for any action arising under these development standards shall be in Hays County, Texas. These development standards will be construed in accordance with the laws of the State of Texas.

3.04 Nothing in these development standards, express or implied, is intended to confer any rights, benefits or remedies under or by reason of these development standards upon any person or entity other than the City of San Marcos and the Property Owner.

3.05 These development standards may be revised and amended only in

accordance with the procedures described in the City's Land Development Code, as same may be amended from time to time.

- 3.06** These development standards shall control the development of the Project Site and, to the extent such development standards modify, amend or supplement specific provisions of the City's Land Development Code, said development standards shall control. To the extent the City's Land Development Code is not specifically amended, modified or supplemented by these development standards, the City's Land Development Code, as same may exist at the time of approval of these development standards, shall be applicable to and control the development of the Project Site.
- 3.07** Minor changes to the details contained within the Concept Plat incorporated herein by reference which do not substantially and adversely change the plan and which do not alter the basic physical relationship of the project site to adjacent properties, including, but not limited to, permitted uses, layout of buildings, number and size of buildings, design of parking areas, etc., may be approved administratively by the Director of Development Services. Any changes not deemed to be minor changes by the Director of Development Services shall be deemed major changes and shall be resubmitted following the same procedure required by the original PDD application. In no case shall any proposed change be less than the requirements of these development standards without being resubmitted following the same procedure required by the original PDD application.
- 3.08** In case one or more provisions of these development standards are deemed invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof and in such event, these development standards shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

4.0 Incorporated Exhibits:

Exhibit A: Concept Plat

Exhibit B: Proposed Street Cross Section

Exhibit C: Metes & Bounds for The Preserve at Windemere, Phase 1

EXECUTED on _____, 2011.

The Preserve at Windemere

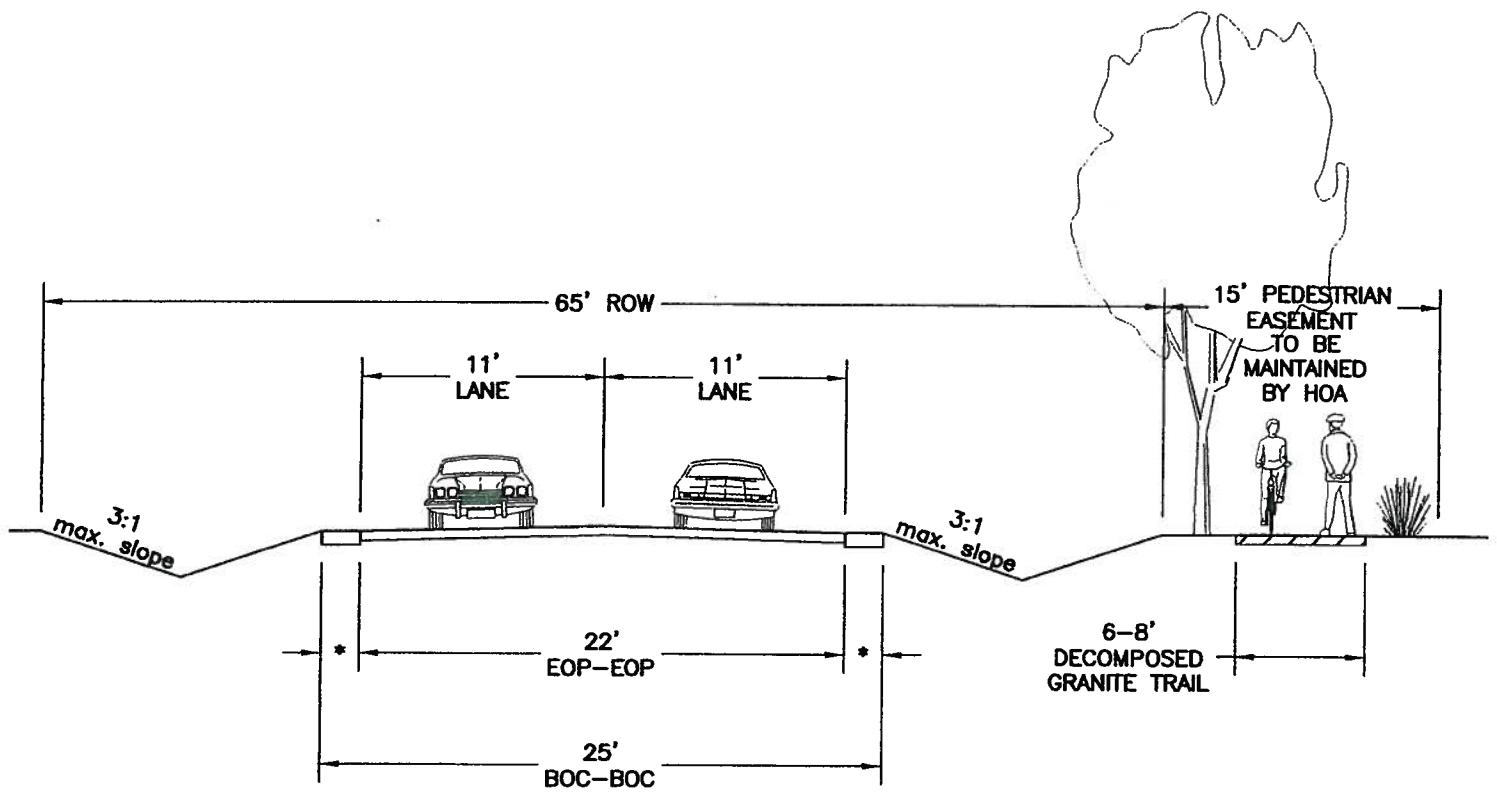
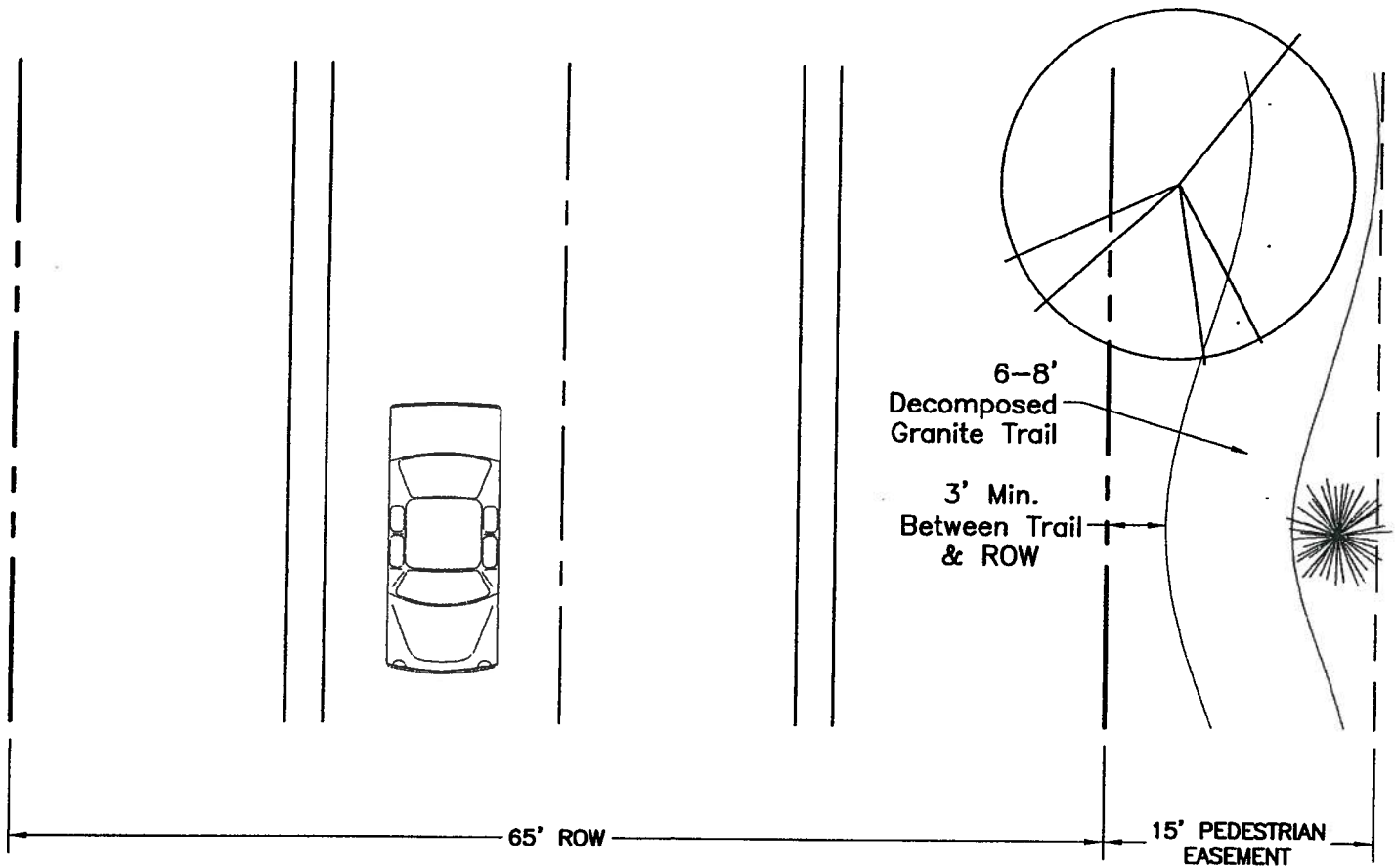
By: _____

STATE OF TEXAS

COUNTY OF _____

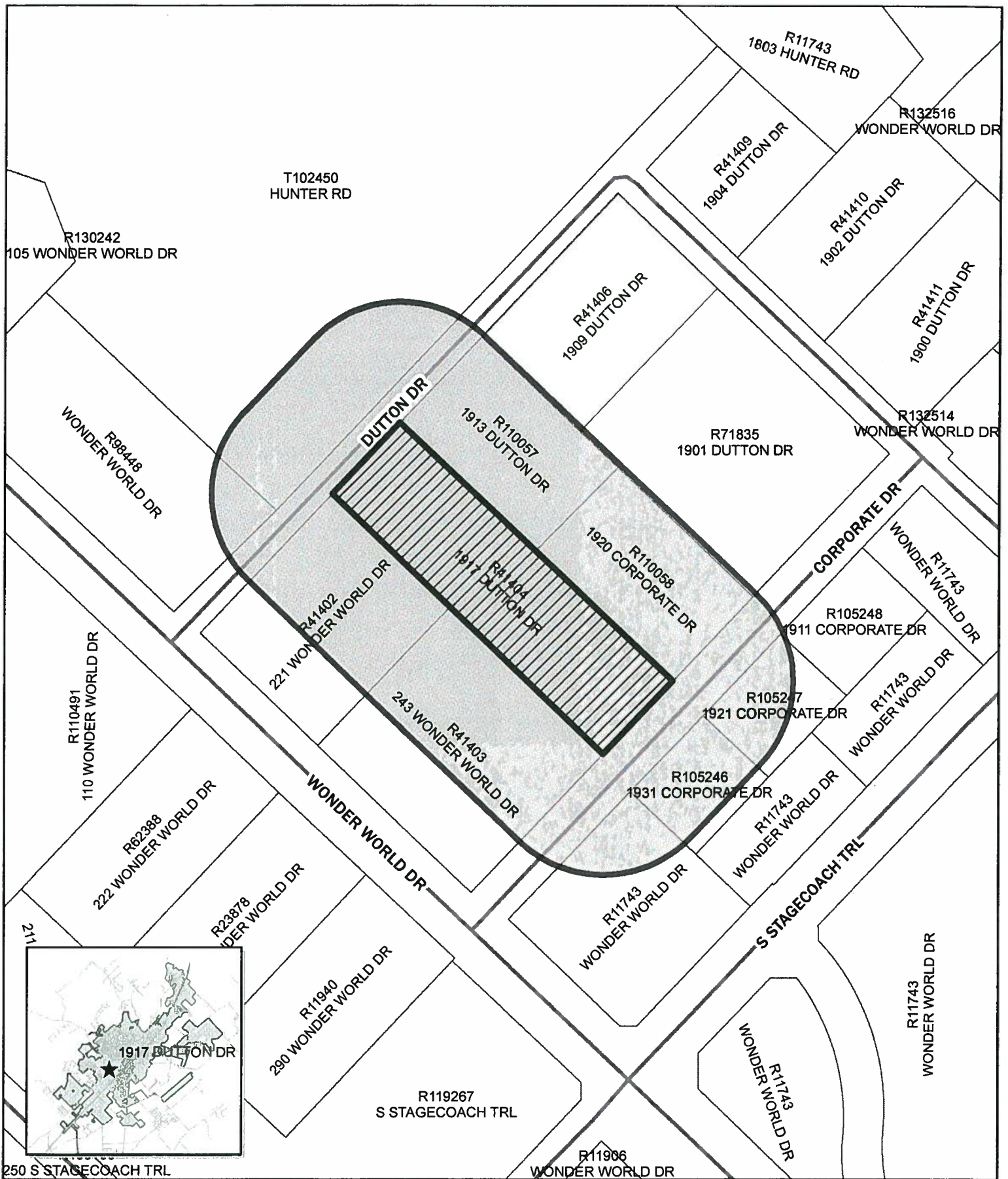
This instrument was acknowledged before me on _____, 2011 by _____, known personally to me to be the person who subscribed this instrument, on behalf of The Preserve at Windemere.

Notary Public, State of Texas



* 1.5' RIBBON CURB

RESIDENTIAL COLLECTOR/STREET & PEDESTRIAN TRAIL SECTION



CUP-11-17

Conditional Use Permit

Garcia's Restaurant

1917 Dutton Drive



Applicant Information:

Applicant: Garcia's Mexican Food Restaurant
Juan Ybarra

Mailing Address: 194 Saddlebrook Ln
Martindale, TX 78655

Property Owner: Bennie and Marcia McCollum
1917 Dutton Drive STE#100
San Marcos TX 78666

Applicant Request: A Conditional Use Permit (CUP) to allow the sale and on-premise consumption of beer and wine at Garcia's Restaurant 1917 Dutton Dr. in San Marcos.

Public Hearing Notice: Public hearing notification was mailed on October 28, 2011

Subject Property:

Location: 1917 Dutton Dr

Legal Description: San Marcos Business Park, Block 1 Lot 3

Frontage On: Dutton Drive

Existing Zoning: General Commercial,(GC)

Utilities: Adequate

Existing Use of Property: New Bar/Restaurant

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of property	GC	Undeveloped
S of property	GC	Commercial
E of property	GC	Commercial
W of property	MF-18	Multi-Family Residential

Code Requirements:

A conditional use permit allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining

uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. This location **does** meet the distance requirements.

This location is outside the CBA, and is not subject to the additional requirements in the CBA.

Case Summary

The subject property is located off Wonder World Drive within a complex located at 1917 Dutton Drive. Garcia's is an established restaurant within the City's downtown area and this new restaurant will be in addition to the existing restaurant. This location currently meets the required number of parking spaces with 25 spaces provided; however the property owners have a site plan submitted to develop additional spaces on-site. These spaces would serve the entire complex.

The restaurant has the capacity for 55 indoor fixed seats with 28 fixed seats for outdoor dining. The application indicates hours of operation from 8 a.m. to 10 p.m. and amplified live music is not proposed at this time.

Planning Department Analysis:

The subject property is surrounded by commercial uses and the requested CUP will not adversely affect surrounding property owners. In addition, Garcia's Restaurant has an additional location that is already established in the downtown area. Staff has not received any citizen comments or comments from other departments pertaining to this request.

In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is that they be approved initially for a limited time period. Other new conditional use permits have been approved as follows:

- Initial approval for 1 year;
- Renewal for 3 years;
- Final approval for the life of the State TABC license, provided standards are met.

Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit with the following condition:

- 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system;**

Planning Department Recommendation:	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Denial

Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Prepared by:
Abigail Gillfillan

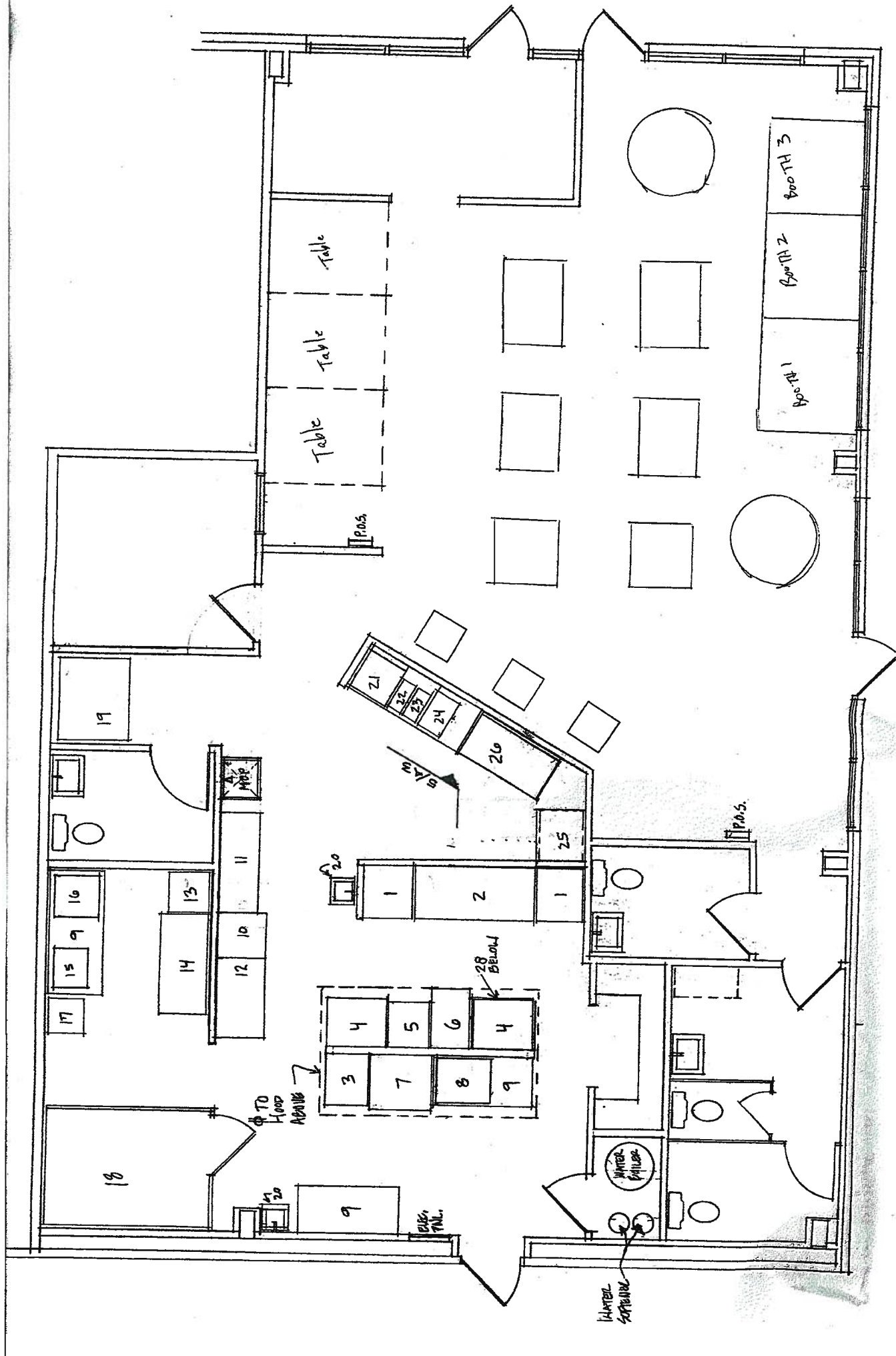
Planner

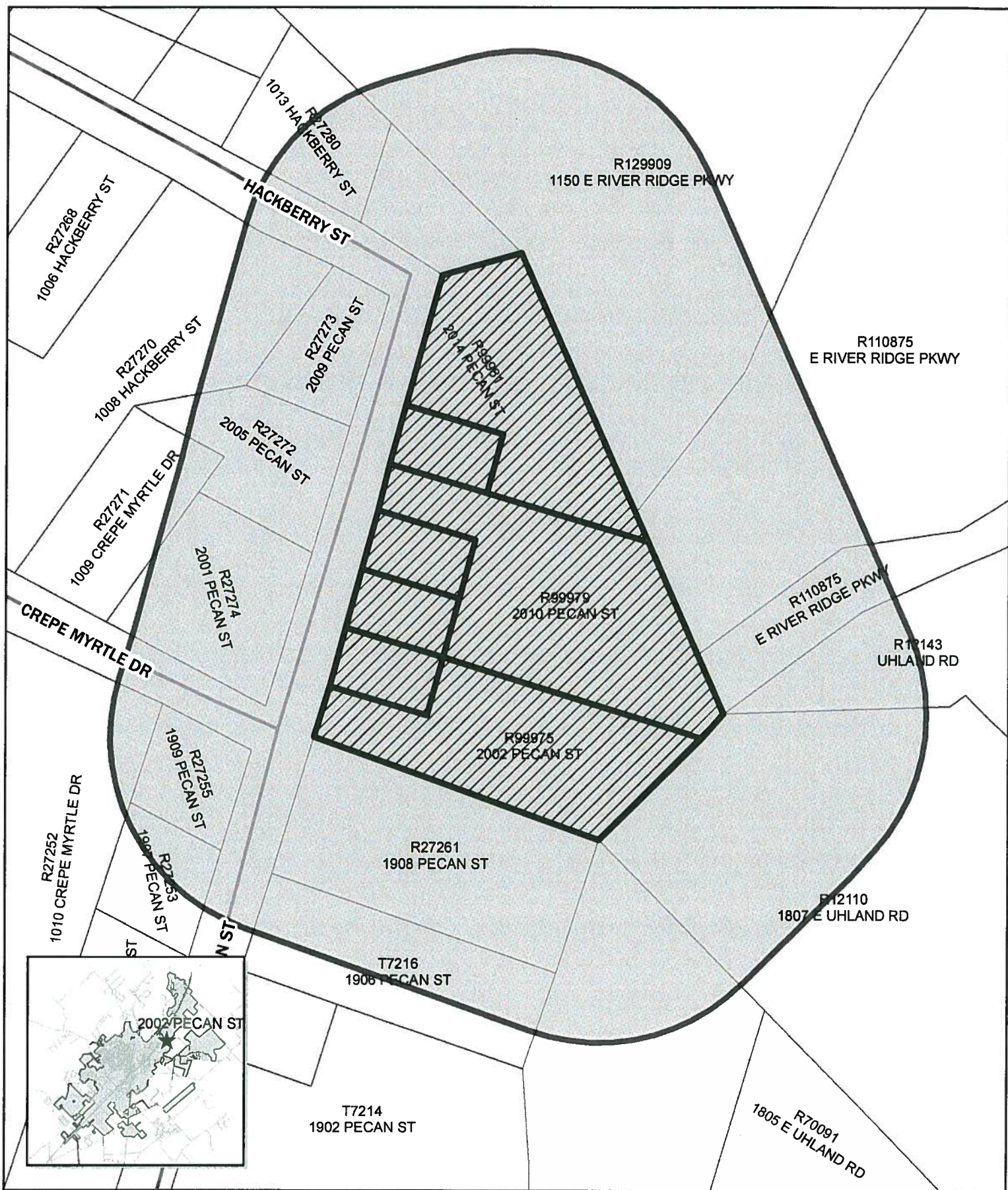
November 2, 2011

Name

Title

Date





LUA-11-22
2002 Pecan St
Map Date 10/26/11



Notification Buffer
 (200 feet)
 Site Location
 Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



Land Use Map Amendment

LUA-11-22

Pecan Street



Summary:

The applicant is requesting a Land use Map Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR).

Applicant: Russell Grifo
3404 Brangus Road
Georgetown, Texas 78628

Property Owner: Same

Notification: Personal notice sent and signs posted on October 28, 2011

Response: None as of date of report publication.

Subject Property:

Location: 2002 - 2014 Pecan Street

Legal Description: 3.5 acres out of Lot 4, Block 2 of the Fairlawn Addition, seven lots total

Sector: Sector 6

Current Zoning: Single-Family Residential (SF-6)

Proposed Zoning: Duplex Restricted (DR)

Current Future Land Use Map Designation: Low-Density Residential (LDR)

Proposed Future Land Use Map Designation: Medium Density Residential (MDR)

Surrounding Area:

	Current Zoning	Existing Land Use
N of Property	Multifamily Residential/MF-18/PDD	Multifamily Residential
S of Property	Single Family Residential (SF-6)	Single Family Residential
E of Property	Single-Family Residential (SF-	Single Family Residential, Open

	6)/PDD	Space/Blanco River
W of Property	Single-Family Residential (SF- 6)/Commercial (MU)	Single Family Residential, Commercial

Case Summary

The subject property is located in eastern San Marcos, and is bounded on the southeast by the Blanco River. The site is within the Fairlawn subdivision, within an area characterized by predominantly single-family houses and some light commercial. Two large student-oriented apartment complexes are located to the north of the site, and IH 35 is to the west. This request is proceeding concurrently with a zoning change request from Single Family Residential (SF-6) to Duplex Restricted (DR). The overall site is comprised of seven lots. Four have widths of approximately sixty feet, and two of the other lots would be considered flag lots.

History

A rezoning and land use map amendment request were filed on these sites earlier this year, but withdrawn prior to public hearing. The requests were for Duplex Restricted, and Medium Density Residential. There have been no other applications filed for these sites.

Floodway/Floodplain/Water Quality Zone and Platting

The entire site lies within either the floodway or the floodplain.

The portion of the site fronting on Pecan Street, which accounts for approximately two-thirds of the total acreage, is within the 100-year floodplain, and the rear portion of the site is within the floodway. The Water Quality Zone overlaps the floodway and extends slightly beyond it in the southernmost portion of the site (see included maps). Development on the site would be limited to the portion of the site within the floodplain, and site design and development will need to allow for the base flood elevation. Development within the floodway is strongly discouraged.

If the site were to be platted, the Water Quality Zone would also apply per Section 5.1.2.2.(a)(3). However, the site is currently platted and may be developed in its current configuration. The entire site is listed as having had flood damage in October of 1998 (see attached map), and thus represents concerns for redevelopment in a more intense fashion.

Planning Department Analysis:

Medium Density Residential (MDR) land uses are typically characterized by duplexes and smaller single-family lots. Multifamily residential up to 12 units per acre (MF-12) is also considered Medium Density Residential, as are some townhomes and zero-lot line patio houses. Medium density residential may act as a buffer between Low Density Residential and High Density Residential, or some commercial uses.

The Future Land Use Map designates the subject site as Low Density Residential, with Commercial along the frontage of IH 35, and High Density Residential to the north. The neighborhood immediately surrounding the site is characterized by predominantly single-family houses, with some medium-density housing mixed in.

Staff has evaluated the request for consistency with the Horizons Master Plan and the Sector 6 Plan.

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
		X	<p>Policy LU-2.5: The City shall protect the integrity of the Edwards Aquifer, San Marcos and Blanco Rivers, and the other natural resources in and around San Marcos.</p> <p><i>Comment: The site has a history of damaging flooding. While the neighborhood is developed, including a residence at the back end of the site, further development would increase the number of residents in a flood-prone area, and may also increase the amount of impervious surface. The current zoning classification provides for 50% maximum impervious cover, while the requested designation of Duplex Restricted permits up to 75% impervious cover.</i></p>
X			<p>Policy LU-1.21: The City shall encourage new development to locate in areas already served by utilities and other community facilities.</p> <p><i>Comments: Existing city utilities are in place to serve this property, and any duplexes built would occupy lots that are currently vacant.</i></p>
		X	<p>Policy LU-3.2: The City shall provide safe and adequate housing opportunities to meet the different housing needs of all income groups of the City's present and future populations.</p> <p><i>Comment: The proposed change has the likelihood of increasing residential density in a flood-prone area. .</i></p>
		X	<p>Policy LU-3.3: The City shall provide adequate space in appropriate locations for residential development in order to provide safe and sanitary housing, to meet the housing and social needs for a desired standard of living for the City's present and future population.</p>
		X	<p>Policy LU-4.2: The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.</p> <p><i>Comment: There are currently no retail or workplace destinations nearby, but the zoning and utilities are in place for them to be developed.</i></p>
X			<p>Policy LU-4.3: The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas.</p> <p><i>Comment: The property has adequate access to IH 35</i></p>
		X	<p>Policy LU-2.17: The City shall continue to enforce flood plain management programs in conjunction with FEMA standards.</p>

Sector 6, which is approximately 27% floodplain or floodway, is located along the San Marcos River, the Blanco River and Hemphill Creek Watersheds. The overall percentage of large, multifamily developments is higher in this sector of the city than in other sectors, with a resulting owner-occupancy rate that is 10% lower.

The overall mix of uses is predominantly multifamily, smaller single-family, and industrial and commercial along the IH 35 frontage. Compared to other Sectors in the City, Medium Density Residential is comparatively high, at 5.06% for the Sector, 1.11% for the city as a whole. Low Density Residential, on the other hand, is low at 11.27% compared to 25.05% for the City as a whole. The subject site is located within one of the small pockets of Low Density Residential and is surrounded by Commercial, High Density Residential, and Open Space and Public Land adjacent to the Blanco River.

From a use perspective, the request reflects the overall trend in the area to increase density, although the increase requested in this instance is not as high as with some neighboring developments.

The Sector 6 Plan contains goals such as walkable, pedestrian-friendly neighborhoods; "Neighborhood Friendly" development mitigating negative impact of higher intensity uses; and context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety. From a land-use perspective, Medium Density Residential has the potential to be compatible with these goals, but the floodway and floodplain issues must be carefully weighed against the overall potential for redevelopment of the site.

Staff makes the following findings:

- As it is currently platted, the site may be developed as either SF-6, or as requested, with the Duplex Restricted designation
- The entire site falls within either the Floodway or the Floodplain
- If the site is platted following the requested rezone and land use amendment, the Water Quality Zone, which covers the site under the floodplain, will take effect and the site will be undevelopable without extensive mitigation issues
- The request reflects an overall trend in Sector 6 to increase densities to Medium and High Density residential. The site has fewer single-family-designated districts than most other Sectors within the City
- If the site was to be rezoned, and the Future Land Use Map Amendment granted, it has the likelihood of increasing population in an area with a flood damage history.

Staff finds that the request is generally inconsistent with policies in the Horizons Master Plan and the Sector 6 Plan, and may negatively impact the general health, safety, and welfare of residents if approved as submitted.

Planning Department Recommendation:		
<input type="checkbox"/>	<input type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	<input type="checkbox"/>	Alternative – Public Hearing only
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Denial

The Commission's Responsibility:

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

Prepared by:

Christine Barton-Holmes, LEED AP

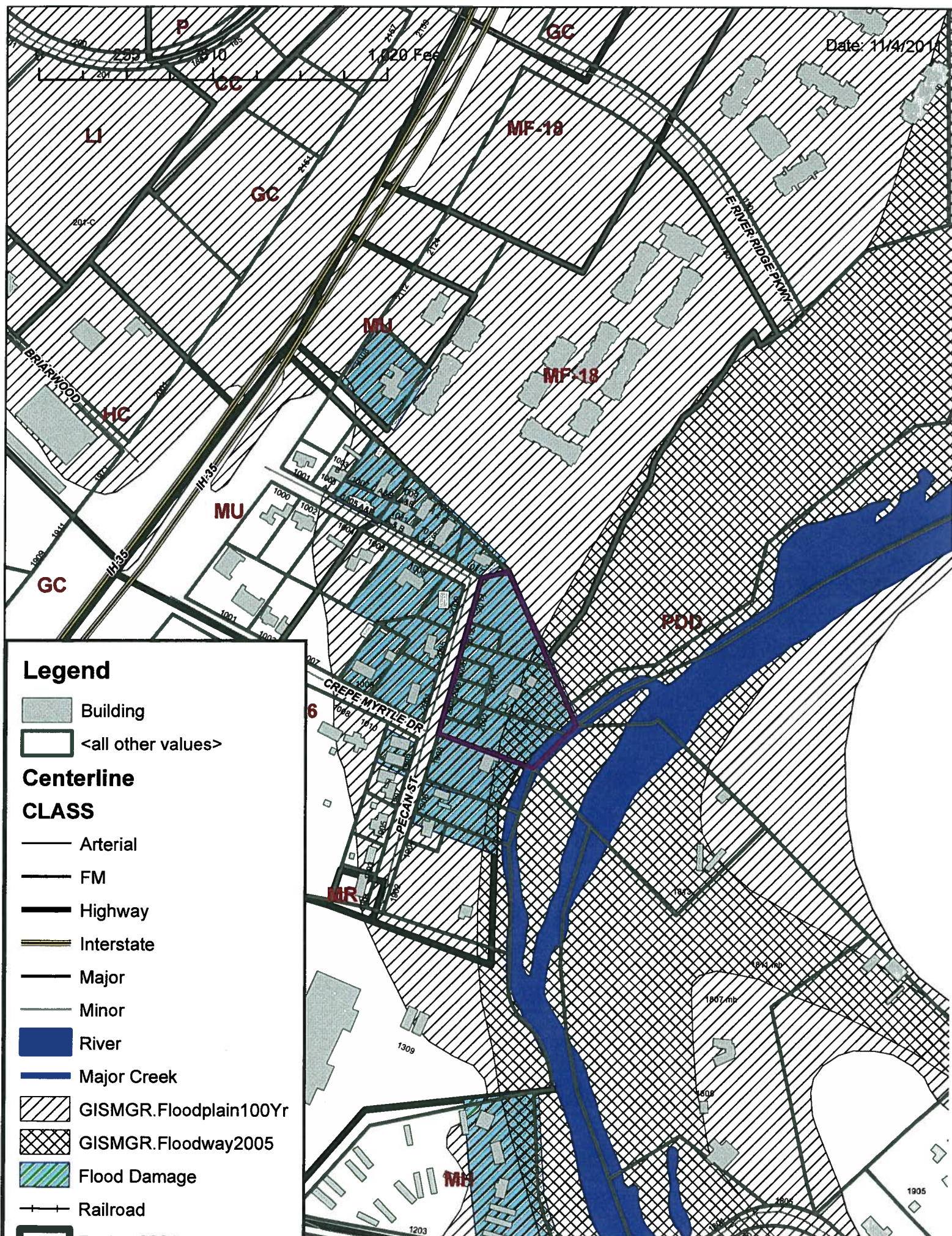
Chief Planner

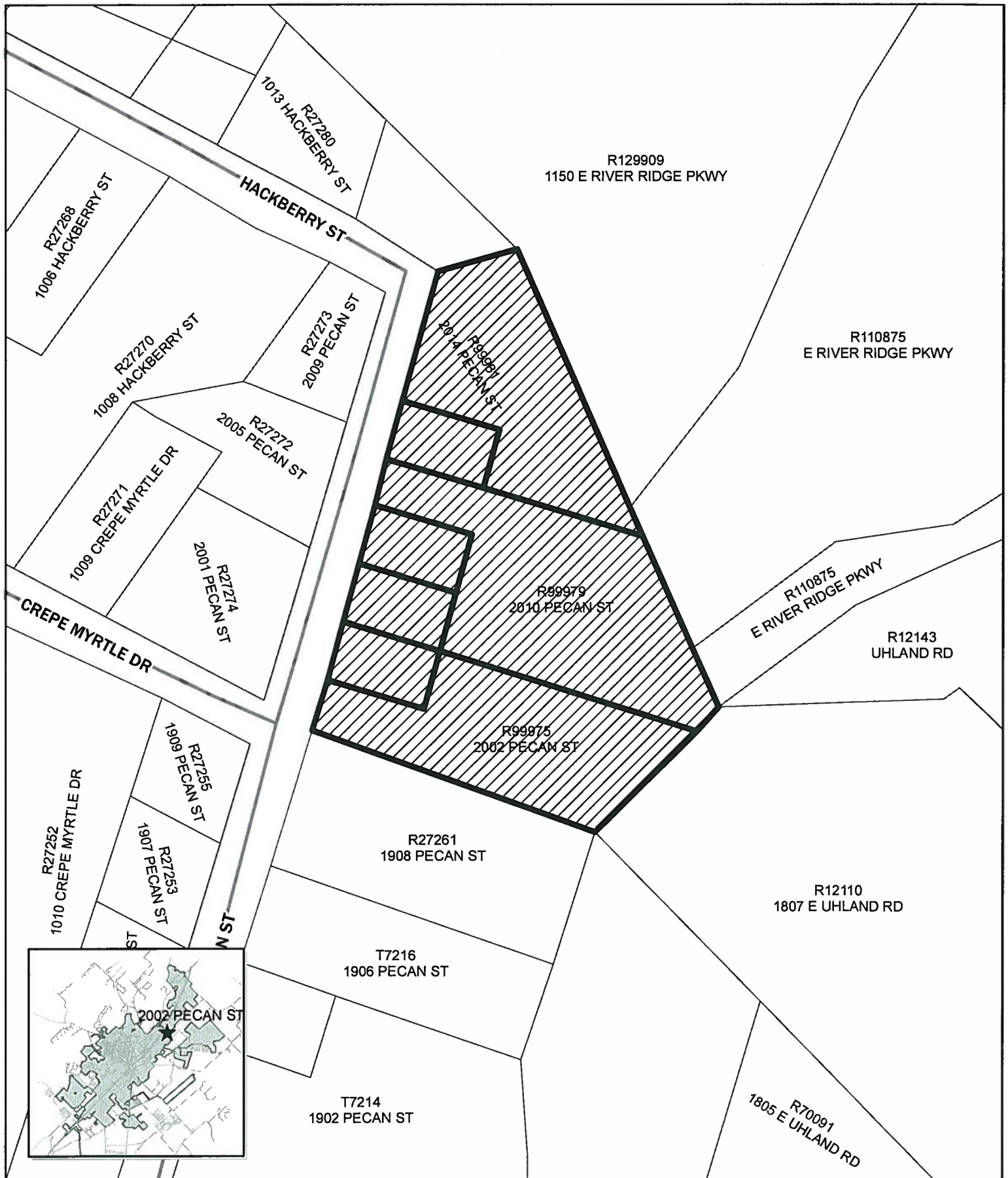
October 24, 2011

Name

Title

Date





ZC-11-36

2002 - 2014 Pecan St

Map Date 10/26/11



Notification Buffer
(200 feet)

Site Location

Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.

0 50 100 200
Feet



Land Use Map Amendment

ZC-11-36

Pecan Street



Summary:

The applicant is requesting a Zoning Change from Single Family Residential-6 (SF-6) to Duplex Restricted (DR)

Applicant: Russell Grifo
3404 Brangus Road
Georgetown, Texas 78628

Property Owner: Same

Notification: Personal notice sent and signs posted on October 28, 2011

Response: None as of date of report publication.

Subject Property:

Location: 2002 - 2014 Pecan Street

Legal Description: 3.5 acres out of Lot 4, Block 2 of the Fairlawn Addition

Sector: Sector 6

Current Zoning: Single-Family Residential (SF-6)

Proposed Zoning: Duplex Restricted (DR)

Current Future Land Use Map Designation: Low-Density Residential (LDR)

Proposed Future Land Use Map Designation: Medium Density Residential (MDR)

Surrounding Area:

	Current Zoning	Existing Land Use
N of Property	MF-18	Apartments
S of Property	SF-6	Residential
E of Property	PDD	River
W of Property	SF-6	Residential

Case Summary

The subject property is located in eastern San Marcos, and is bounded on the southeast by the Blanco River. The site is within the Fairlawn subdivision, within an area characterized by predominantly single-family houses and some light commercial. Two large student-oriented apartment complexes are located to the north of the site, and IH 35 is to the west. This request is proceeding concurrently with a Land Use Map Amendment from LDR to MDR.

History

A rezoning and land use map amendment request were filed on these sites earlier this year, but withdrawn prior to public hearing. The requests were for Duplex Restricted, and Medium Density Residential. There have been no other applications filed for these sites.

Floodway/Floodplain/Water Quality Zone

The entire site lies within either the floodway or the floodplain. The portion of the site fronting on Pecan Street, which accounts for approximately two-thirds of the total acreage, is within the 100-year floodplain, and the rear portion of the site is within the floodway. The City of San Marcos imposes a Water Quality zone on newly platted lots that extends 100 feet from the FEMA delineated Flood Way. In addition a Buffer zone is also imposed on newly platted lots extending 100 additional feet from the edge of the Water Quality zone. No construction is permitted within a water quality zone and impervious cover is limited to 30% within the buffer zone. Because the subject properties are currently platted, development could take place without the imposition of the water quality or buffer zones. Development on the site would be limited to the portion of the site within the floodplain, and all construction will need to be elevated to 1 foot above the base flood elevation.

Utility Capacity

Wastewater lines are not extended across the frontage of all lots subject to the re-zone. The extension of these utilities would be at the property owners expense and would need to take place prior to construction permits being issued for the affected properties.

Planning Department Analysis:

The intent and function of the requested Duplex Restricted zoning does not differ exceptionally from the intent and function of a Single Family Residential – 6 zoning district. The intent of the Duplex Restricted zoning is described as “development of single-family residences and associated uses as well as for development on larger parcels of land of medium density two-family duplex units.” The similarities and differences between these two districts are summarized below:

Similarities

- Occupancy Restrictions apply to both districts
- Similar development patterns persist; including one structure per lot with similar setbacks and lot dimensional standards
- Both districts have the potential for owner occupied structures
- Lot standards and setbacks are similar in both districts

Differences

- The overall density of Duplex Restricted zoning district is higher
- Duplex Restricted zoning allows for a 15% increase in impervious cover from 50% to 75%

The subject properties conform to the lot standards of the Duplex Restricted zoning district identifying a minimum lot width of sixty (60) feet. A re-plat would not be required in order to develop the lots but the extension of wastewater facilities would be required in order to service some of the lots identified in the re-zone.

Section 1.5.1.5 of the Land Development Code (LDC) establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

Evaluation			Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	Neutral	
	X		<p>Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</p> <p><i>A Future Land Use Map Amendment is required for this site. The Horizons Master Plan does discourage increased development within the floodplain. Refer to LUA report for policy statements.</i></p>
X			<p>Consistency with any development agreement in effect</p> <p><i>No development agreements exist on this tract</i></p>
X			<p>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.</p> <p><i>The use proposed is appropriate in the immediate area of the subject property because duplex restricted maintains the occupancy restrictions and is in keeping with the general character of the neighborhood. The site is also adjacent to a larger multi-family development to the North.</i></p>
X			<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p> <p><i>The properties are not currently serviced with Wastewater and lines will need to be extended by the property owner at the time of development. However this extension would be needed regardless of the increase in density.</i></p>
	X		<p>Other factors which substantially affect the public health, safety, morals, or general welfare.</p> <p><i>These properties have been identified as flood damaged properties and FEMA has documented claims that were made during both the 1998 and 2001 floods. The request will allow a small increase in impervious cover and will also increase the number of potential families affected by a flood. Although a water quality zone will not be imposed without a re-plat, all construction will need to meet the guidelines for development within a floodplain including elevation to one foot above the base flood elevation.</i></p>

Staff finds that while the request is generally consistent with the surrounding development patterns and that the request will not dramatically affect the build out of the immediate area it is inconsistent with some

of the policies in the Master Plan and may have a negative impact on health and safety standards. Staff is therefore recommending denial based on the following findings:

- The sites location within the floodplain and the documented flood damage in the area can have a negative impact on health and safety.
- The Master Plan and the City's Land Development Code discourage increased development in the flood plain through policy statements as well as the imposition of water quality and buffer zones around the City's waterways.
- The request is inconsistent with the Future Land Use Map designation.

Planning Department Recommendation:		
<input type="checkbox"/>		Approve as submitted
<input type="checkbox"/>		Approve with conditions or revisions as noted
<input type="checkbox"/>		Alternative – Public Hearing only
<input checked="" type="checkbox"/>		Denial

The Commission's Responsibility:

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

Prepared by:

Abigail Gillfillan	Planner	November 3, 2011
Name	Title	Date

**Map Date: 10/27/11**

**LUA-11-23
Land Use Map Amendment
Hillside Ranch Phase 2
1350 N. LBJ**



Summary:

The applicant is requesting a Land use Map Amendment from Low Density Residential to Medium Density Residential

Consultant:

ETR Development
401 Dryden Lane
Buda, TX 78610

Applicant:

Jared Schenk, GEM Hillside Ranch
1350 N. LBJ
San Marcos TX 78666

Property Owner:

Dan Anderson
1410 N. LBJ
San Marcos TX 78666

Notification:

Personal notice sent and signs posted on October 28, 2011

Response:

Several phone calls requesting information, no formal comments

Subject Property:

Location:

1410 N LBJ

Legal Description:

10.925 acres out of the Thomas Chamber survey

Sector:

Sector 3

Current Zoning:

Single-family

Proposed Zoning:

Multifamily (MF-12) with Planned Development District overlay

**Current Future Land
Use Map**

Designation:

Low Density Residential

**Proposed Future
Land
Use Map**

Designation:

Medium Density Residential

Surrounding Area:

	Zoning	Existing Land Use	Future Land Use
N of Property	SF-6	City of San Marcos Parkland	Low Density Residential
S of Property	P/ MF-24	Chruch/apartment complex	High Density Residential
E of Property	MF-24	Apartment complex	High Density Residential
W of Property	SF-6	Single-family	Low Density Residential

Case Summary: Proposed Land Use Map Amendment from Low Density Residential to Medium Density Residential.

The subject property is approximately 10.925 acres and is located at the intersection of Holland Drive and N.LBJ Drive. This request is proceeding concurrently with a proposed base zoning change from single-family (SF-6) to multifamily (MF-12) and a Planned Development District (PDD) overlay. Please see the PDD report for additional information regarding development standards.

The property is bounded by single family residences to the north, multi-family residences to the south and the Spring Lake Preserve to the east. The proposed development is an extension of the existing Hillside Ranch Apartments and would add approximately 126 units (approximately 400 bedrooms) to the area. Although designated Low Density Residential, the adjacent tract to the northeast is city parkland and will not be developed for residential use.

Planning Department Analysis:

Medium Density Residential (MDR) land uses have a density range of six to twelve dwelling units per acre and may include a variety of residential types such as duplexes, triplexes, fourplexes, townhomes, and zero lot-line homes. A variety of housing types may be allowed, so long as the overall density within a specific development or area is between six and twelve dwelling units per acre.

The subject property is located in a transition area between higher-density residential uses closer to the University and established residential neighborhoods to the west. Medium Density Residential Land Uses in this area can act as a transition between the more intense uses and the Low Density Residential. Medium Density Residential also provides an opportunity for a mix of housing types all located within the same area with access to commercial services. However, because of the large size of the lot and the fact that it is adjacent to thirteen single-family lots, the design of the development is vital. Adjacent tracts to the south and southwest are designated HDR, while other tracts are designated Low Density Residential.

Planning Department Recommendation:		
<input type="checkbox"/>	<input type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	<input type="checkbox"/>	Approve with conditions or revisions as noted
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Alternative – Public Hearing only
<input type="checkbox"/>	<input type="checkbox"/>	Denial

The Commission's Responsibility:

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

Prepared by:

John Foreman	Planner	July 20, 2011
Name	Title	Date

PDD-11-11/ ZC-11-37

Planned Development District

Hillside Ranch Phase 2



Summary:

Applicant/ Property Owner: Dan Anderson
1410 N. LBJ Drive
San Marcos, Texas

Consultant: ETR Development
401 Dryden Lane
Buda, Texas 78610

Jared Schenk, GEM Hillside
1350 N. LBJ Drive
San Marcos, Texas

Subject Property:

Legal Description: 10.735 acre tract situated in the JM Veramendi League Number 2 Survey.

Location: 1410 N. LBJ Drive

Existing Use of Property: Single Family residence

Existing Zoning: SF-6

Proposed Use of Property: Multi-family

Proposed Zoning: PDD overlay with a MF-12 base zoning

Sector: 3

Frontage On: N. LBJ Drive

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	SF-6	Single Family Residences
S of Property	MF-24	Multi-family
E of Property	P	Spring Lake Preserve
W of Property	N. LBJ Drive	

Project Overview

The subject property is approximately 10.735 acres and is located at the intersection of Holland Drive and N. LBJ Drive, between an existing high-density residential multi-family development and an existing single-family residential neighborhood. The site currently is used as a single family residence. Due to its physical location between two typically contrasting uses this tract of land is a transitional property that requires detailed site planning and development standards that insure compatibility between both the proposed use and the adjacent existing uses. In reviewing the proposed development staff has walked the site with the existing owner of the property, the proposed property owner, and the consultants on the project. As a result of the site visit the proposed development has been designed to utilize the existing topography of the property rather than clear cutting the site. Finally, in order to provide a transition between uses the applicant has designed the site to provide a 50' buffer between the lots fronting on Elm Hill Court and proposed parking area and approximately 130' between the rear property line of the residential lots and the nearest proposed apartment building.

Site Development

- 10.73 acre site

- The project features 2 to 3 story cottage-style apartment units.
- 126 units (400 bedrooms)
- 12 units per acre
- Enhanced streetscape standards to include 6' sidewalk and street trees every 30 feet.
- All parking requirements will be met.

Parkland Dedication

The applicant is proposing to dedicate approximately 1.34 acres of land for the construction of a hike/bike trail that would lead from N. LBJ Drive to the Spring Lake Preserve. Staff is requesting that the parkland dedication also include the construction of the parking lot as shown on the site plan included in the PDD. Additionally, while the PDD commits to the use of various LID practices throughout the site staff would like particular attention to the use of LID practices to be utilized throughout the trails and buffer area to provide additional screening and opportunity for demonstration areas.

Planning Department Analysis:

Section 4.2.6.11 of the Land Development Code identifies the purpose of an overlay planned development zoning district ("PD District") is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Concept Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD districts are intended to implement generally the goals and objectives of the City's Master Plan. PD districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts

The subject property is located approximately 1 mile from the Texas State University campus and is located within Sector 3. Sector 3 encompasses approximately 1.5 square miles north of the Texas State University campus and as a result feels the effects of the growth of the University more than any other sector in the City. As is evident in the number of rezoning requests that the Planning and Zoning Commission has seen in Sector 3 more and more developers are seeking to develop or redevelop sites within walking distance to campus. This sector of the City is currently experiencing a transition from what was once a mixture of residential uses to multi-family development. While staff believes that this request has incorporated site development planning techniques to provide a smooth transition between low density-single family homes and a high-density multi-family development within this area it is important for the Planning and Zoning Commission to discuss the long range benefits and challenges associated with increased density in this area. While this area is not only serves as a gateway to the Texas State University campus it is also functions as a gateway into multiple established single family residential neighborhoods. As a gateway location it is critical to review the request not only with regards to how many units per acre will be allowed, but also to pay close attention to the site design of the development and the architectural quality of the development.

In order to allow for a thorough understanding and discussion of the request this request is scheduled for a public hearing and discussion only. Action on this case is scheduled for November 22, 2011.

Planning Department Recommendation	
<input type="checkbox"/>	Approve as submitted

<input type="checkbox"/>	Approve with conditions or revisions as noted
<input checked="" type="checkbox"/>	Public Hearing only
<input type="checkbox"/>	Denial

Prepared by:

Sofia Nelson

Chief Planner

November 3, 2011

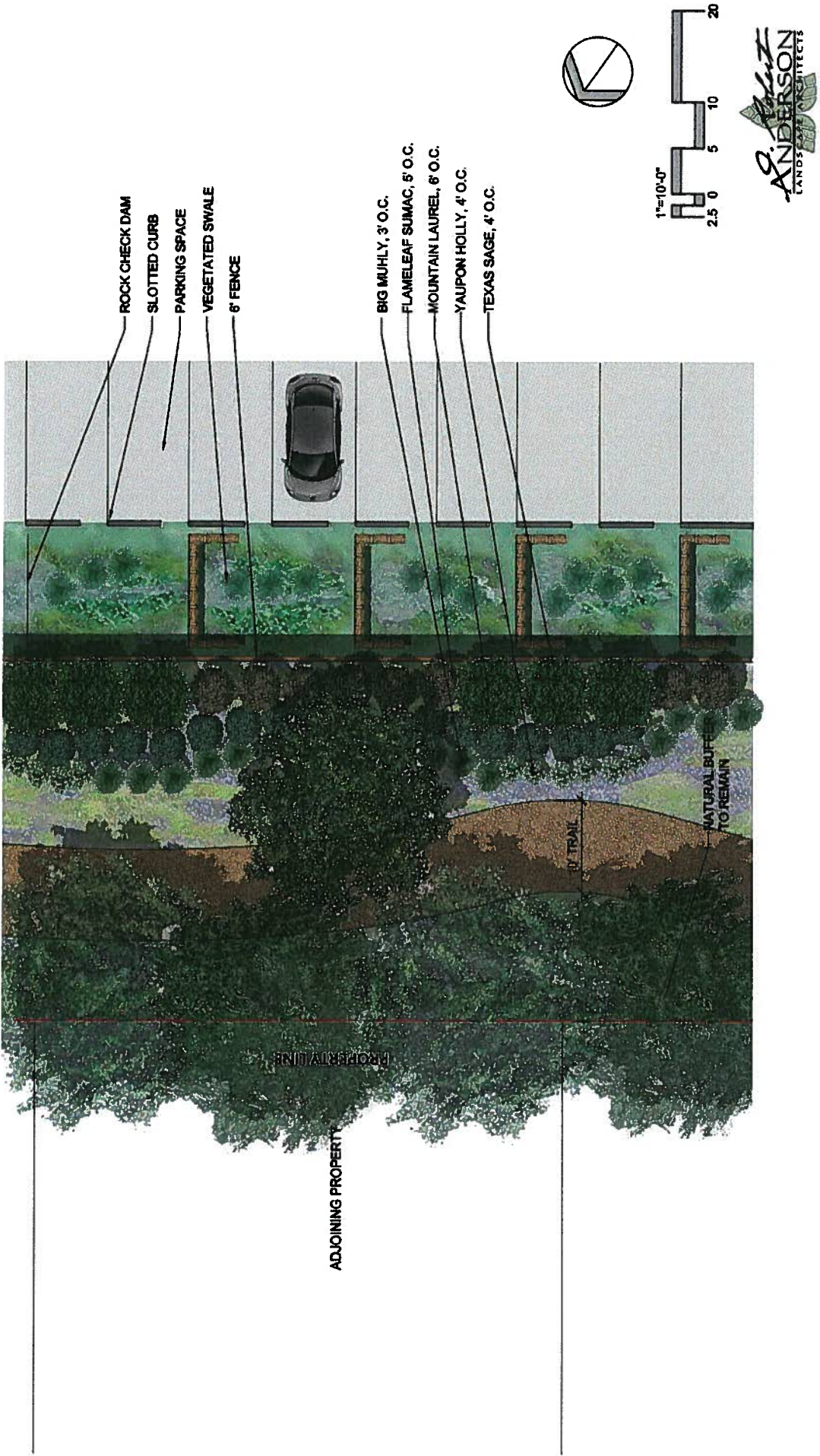
Name

Title

Date

HILLSIDE RANCH PHASE 2

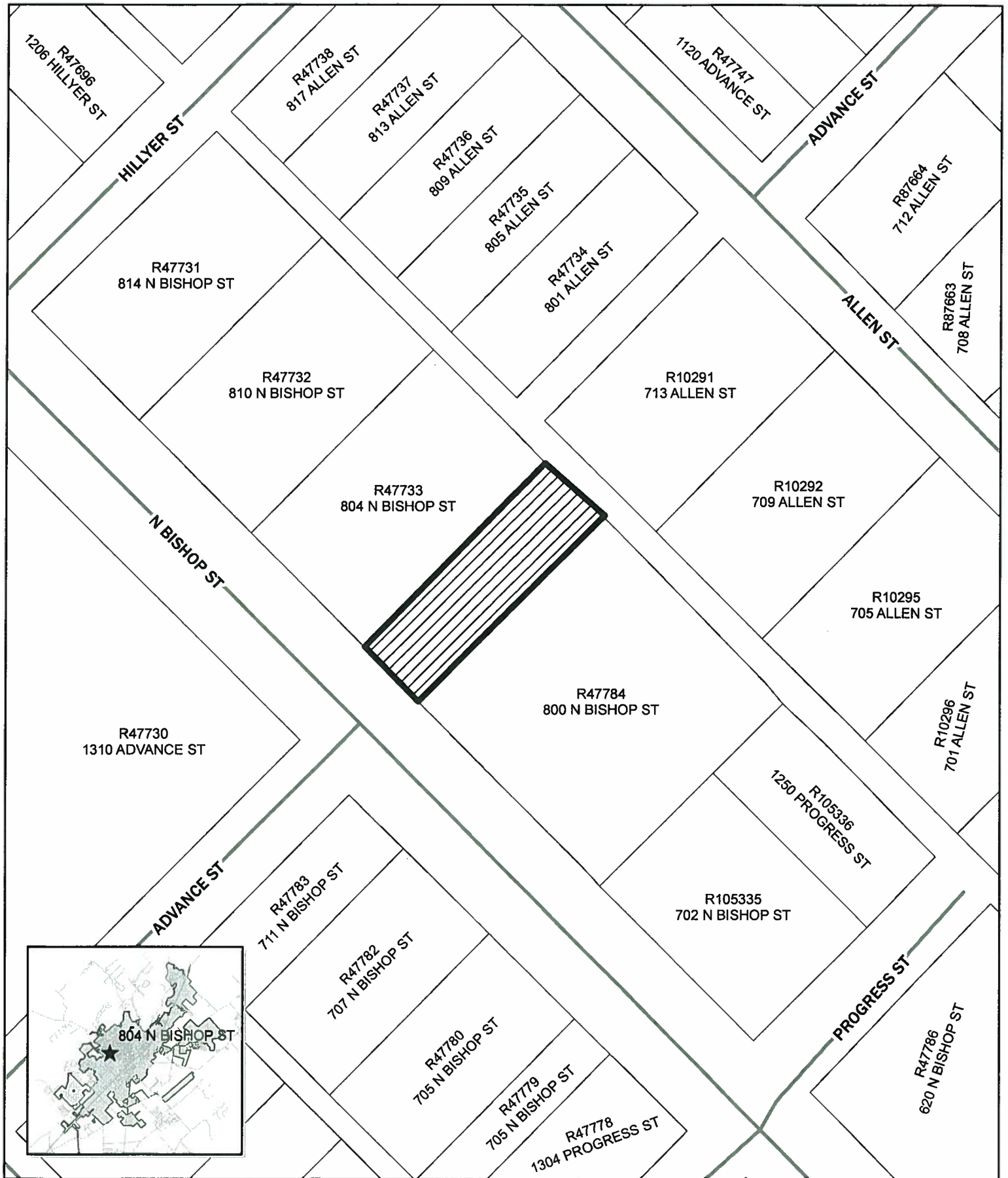
Landscape Buffer Plan





HILLSIDE RANCH PHASE 2
Section from Elm Hill Court to Housing Units





A-11-02

804 Bishop

Map Date: 10/27/11



Notification Buffer
(200 feet)



Site Location



Historic District

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Staff Report
Street Abandonment
A-11-02 – Advance Street (adjacent to 800 and 804 Bishop)

Prepared by: Abigail Gillfillan
Date of Meeting: November 8, 2011

Applicant Information:

Applicant:	Francis Minerva Moreno P.O. Box 1605 (800 Bishop) San Marcos, TX 78667	
Property Owner(s):	Francis Minerva Moreno P.O. Box 1605 (800 Bishop) San Marcos, TX 78667	William Marthes 804 Bishop St San Marcos TX 78666

Applicant Request:	Abandonment of an undeveloped and dead end street ROW described as Advance St
---------------------------	---

Notification:

Date Mailed:	October 28, 2011
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Subject Property:

Location:	A portion of ROW measuring 171.35' x 50' and located between 800 and 804 Bishop St
Size:	Approx 8,568sq ft
Existing Utilities:	None
Existing Use of Property:	Undeveloped ROW

Other Departments:

Public Works
There is an alley located at the rear of the lots which does contain a wastewater line. Access to this line can be achieved from a nearby easement and isn't needed through the subject ROW

Case Summary:

The abandonment of the ROW described above has been requested by the applicants on either side of the property. The subject ROW is currently undeveloped and the applicants wish to purchase the property in order to accommodate a possible addition in the future. The applicants have also expressed interest in the preservation of some larger oak trees within the ROW area. The City does not have any utilities within the ROW at this time and does not anticipate the need for the ROW for future expansions of the utility network or for access to the wastewater line located in the rear alley.

Staff Analysis:

The transportation goals of the Horizons Master Plan call for increased mobility and connectivity in our street networks. This segment of road is a dead end portion of ROW that only connects

to an alley that is not currently used for transportation. This is a long established neighborhood and the City does not anticipate needing this stretch of ROW for any future connectivity goals. Public ROW is needed for other uses including utility infrastructure and pedestrian access. In this case the subject ROW is not used for utility infrastructure or access of any kind and the utility department does not anticipate the need for Utilities in this area in the future.

The San Marcos City Code indicates four (4) standards that must be met when considering the abandonment of a street or alley. The following analysis addresses the standards that must be met from the code:

Evaluation		Abandonment Standards (Section 74.087 of the San Marcos City Code)
Consistent	Inconsistent	
X		<p>Street and alleys will be abandoned only in whole segments, except that a portion of a dead-end street or alley may be abandoned if the abandonment does not cause a part of the street or alley to become landlocked.</p> <p>This abandonment will not cause a part of the street or alley to be landlocked</p>
X		<p>A street or alley abandonment will not be approved if it causes substantial interference with access to any tract or parcel of property.</p> <p>The proposed abandonment will not cause substantial interference with access to any tract or parcel of property</p>
X		<p>A street or alley containing public utility facilities will be abandoned only if the facilities are relocated out of the street or alley or if a public utility easement is recorded covering the area occupied by the facilities. Unless otherwise agreed by the owners of the utilities, the cost of relocating the facilities or preparing survey descriptions for easements will be borne by the owners of the property abutting the segment to be abandoned.</p> <p>No utilities exist within this portion of ROW</p>
X		<p>A street or alley abandonment will be approved only if the street or alley is not needed for future road or utility improvements.</p> <p>The subject ROW is not needed for future road or utility improvements</p>

Staff is recommending that the abandonment of a 171.35' x 50' portion of Advance Street be approved as submitted

Planning Department Recommendation:		
<input checked="" type="checkbox"/>		Approve as submitted
<input type="checkbox"/>		Approve with conditions or revisions as noted
<input type="checkbox"/>		Alternative
<input type="checkbox"/>		Denial

The Commission's Responsibility

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed street or alley abandonment. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding

the abandonment requesting. The City Council will ultimately decide whether to approve or deny this request, and will do so as follows.

- City Council reviews the recommendation for the Planning and Zoning Commission and provides direction to staff on whether the abandonment is acceptable subject to the obtaining of an appraisal.
- An appraisal for the area to be abandoned will be obtained.
- City Council will hold a public hearing and vote on the adoption of an ordinance approving the abandonment and the conveyance of the street for the appraised value.
- The City Council will consider the ordinance a total of 3 times as required by the City Charter.

The Commission's advisory recommendation to the Council is a discretionary decision. Your recommendation should be based on the standards listed in Section 74.087 of the San Marcos City Code.